

Active

Environmental Technologies Inc.

ENVIRONMENTAL PROTECTION
AGENCY NO. II

04 MAR 25 PM 3:11

DECA-WATER COMPLI. BR

March 23, 2004

Rebecca Jamison
USEPA Region II
20th Floor
290 Broadway
New York, NY 10007-1866

Re: Charlie & Son Servicer
1503 Haddon Avenue
City of Camden
Camden County, New Jersey
Facility ID: 195048
TMS #: N03-2240
Closure Approval #: UCL030001

Dear Ms. Jamison:

Pursuant to our recent telephone conversation regarding the above referenced site, enclosed please find the following documents:

1. UST Closure Approval from New Jersey Department of Environmental Protection (NJDEP)
2. Local Permit Approval for UST Closure Activities
3. Proposal Cover Letter to NJDEP UST Fund Coordinator
4. Proposal for Limited Subsurface Investigation
5. Proposal for Tank Closure Consulting & Contracting Services

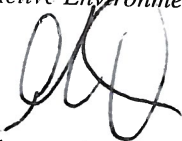
Based upon the fast approaching expiration date of the UST Closure approval and the assumed time frame related to NJDEP Fund approval and scheduling, I will be submitting a request to the NJDEP for an extension of the closure approval.

Please be advised that items 3 through 5 were submitted to the NJDEP Bureau of Contract & Fund Management on March 23, 2004 for grant approval. Based upon a discussion with Ms. Cathy Schnaebler, the UST Fund Coordinator, a grant application has reportedly been submitted by the property owner.

I will advise you upon receipt of the appropriate approvals from the NJDEP. In the event that you have any questions in the interim, please feel free to contact my office.

Sincerely,

Active Environmental Technologies, Inc.



Gregory J. Davis
Senior Project Manager

Cc: Mr. Charles Chomirzewski - Charlie & Son Servicer

TECHTRACT®
Environmental Extraction Technologies



Bruce Zeidman
<BDZ@209law.com>

10/07/2003 07:24 AM
Please respond to BDZ

To: Rebecca Jamison/R2/USEPA/US@EPA
cc:
Subject: RE: Charlie & sons field citation

Thank you both Charlie & I had called & left messages for her already. After your previous email I had downloaded the applications I met w/ Charlie last week. We are preparing the applications for submission. He has to get financial info from his accountant

Thank you BDZ

-----Original Message-----

From: Jamison.Rebecca@epamail.epa.gov
[mailto:Jamison.Rebecca@epamail.epa.gov]
Sent: Monday, October 06, 2003 11:47 AM
To: BDZ@209law.com
Subject: RE: Charlie & sons field citation

I wanted to alert you that Dominic Picardi at NJ DEP has retired. His successor is Trish Conti. She can be reached at:
(609) 984-4464 or Trish.Conti@dep.state.nj.us

~~~~~  
Rebecca Jamison  
US EPA Region 2  
Division of Enforcement and Compliance Assistance  
Ground Water Compliance Section  
290 Broadway- 20th floor  
New York, NY 10007  
(212) 637-3948 (phone)  
(212) 637-4211 (fax)  
~~~~~

	Bruce Zeidman	
	<BDZ@209law.com>	To: Rebecca
Jamison/R2/USEPA/US@EPA		cc:
field citation	09/22/2003 04:27 PM	Subject: RE: Charlie & sons
	Please respond to	
	BDZ	

I have downloaded the apps and will forward them

Thank you BDZ

-----Original Message-----

From: Jamison.Rebecca@epamail.epa.gov
[mailto:Jamison.Rebecca@epamail.epa.gov]
Sent: Monday, September 22, 2003 4:01 PM
To: BDZ@209law.com
Cc: Gutierrez.Claudia@epamail.epa.gov
Subject: Charlie & sons field citation

Mr. Zeidman,

I will document my conversation with Charlie in my files. That should be sufficient for now.

I would like to hear from him within 2 weeks, I assume Mr. Picardi from NJDEP will get out the UST application soon. Otherwise, it is available too at the following link:

http://www.nj.gov/dep/grantandloanprograms/sr_ustru.htm

~~~~~  
Rebecca Jamison  
US EPA Region 2  
Division of Enforcement and Compliance Assistance  
Ground Water Compliance Section  
290 Broadway- 20th floor  
New York, NY 10007  
(212) 637-3948 (phone)  
(212) 637-4211 (fax)  
~~~~~

Bruce Zeidman

<BDZ@209law.com>

Jamison/R2/USEPA/US@EPA

To: Rebecca

cc:

09/22/2003 04:00

Subject: chomiczewski

PM

Please respond to

BDZ

Rebecca I understand Charlie called you and will be making an application for a grant Do you need another letter for an extension. Can this be sufficient?

Thank you BDZ



Bruce Zeidman
<BDZ@209law.com>

09/22/2003 04:27 PM
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US EPA Region 2  
Division of Enforcement and Compliance Assistance  
Ground Water Compliance Section  
290 Broadway- 20th floor  
New York, NY 10007  
(212) 637-3948 (phone)  
(212) 637-4211 (fax)  
~~~~~

Bruce Zeidman

<BDZ@209law.com>
Jamison/R2/USEPA/US@EPA

To: Rebecca

cc:

09/22/2003 04:00

Subject: chomiczewsli

PM

Please respond to

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Thank you BDZ

COFSKY & ZEIDMAN, LLC

ATTORNEYS AT LAW

209 N. HADDON AVENUE
HADDONFIELD, NJ 08033-2322
(856)429-5005
FAX (856)429-6328
www.209law.com

DONALD C. COFSKY
CERTIFIED BY THE SUPREME COURT OF
NEW JERSEY AS A CIVIL TRIAL ATTORNEY

BRUCE D. ZEIDMAN

MEMBERS NJ & PA BAR

122 DELAWARE STREET
WOODBURY, NJ 08096-5047
(856)429-5005
FAX (856)429-6328

660 TWO LOGAN SQUARE
PHILADELPHIA, PA 19103-2707
(215)563-2150

September 22, 2003

REPLY TO: Haddonfield

FAX 212-637-4211
REBECCA JAMISON
EPA Region 2

RE: Charlie & Son Service Center

Dear Ms. Jamison::

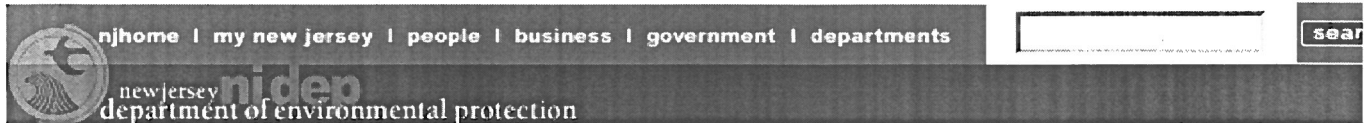
After I received your message I contacted Mr. Chomiczewski to get an update. After speaking with him, it appears he will be contacting you directly.

Thanking you for your cooperation and attention, I remain,

Very truly yours,

BRUCE D. ZEIDMAN
For the Firm

BDZ:sh



Grant & Loan Programs

grant & loan home | njdep hc

UNDERGROUND STORAGE TANK REMEDIATION, UPGRADE AND CLOSURE FUND

PURPOSE OF FUNDING:

The Fund was established to provide financial assistance via grants and loans to close, upgrade or remediate discharges from underground storage tanks. The Fund provides for low-interest loans and grants to all eligible applicants, with the exception of public entities and non-profit businesses.

SOURCE OF FUNDING:

A portion of the New Jersey Corporate Business Tax has been dedicated to provide financial assistance from this Fund. The Legislature initially appropriated \$9 million to start up the fund in 1997.

STATUTORY CITATION:

P.L. 1997, C.235

WHO IS ELIGIBLE:

Funds are available to homeowners with leaking underground storage. All of the parties are eligible to apply for low-interest loans. Conditional hardship grants are available only to "for profit" businesses and to homeowners who have assets less than \$100,000 (excluding the primary residence), have an income less than \$100,000 and have continually owned or operated the underground storage tank since December 1, 1996, and continually thereafter. The deadline for new applications has passed for all applicants except homeowners. Any applicant who has already submitted an application may submit a request for additional funds if necessary.

**QUALIFICATIONS REQUIRED FOR
CONSIDERATION:**

The USEPA and the NJDEP established a deadline of December 22, 1998 for all regulated tanks in the state to upgrade to specific standards or to close. Projects can be only for the upgrade, closure or remediation of a regulated tank or for the remediation of a leaking homeowner tank. Applicants must submit a scope of work as part of the application, which DEP will review for consistency with the Technical Requirements for Site Remediation, N.J.A.C. 7:26E. Once that review is complete, DEP will forward the application to the New Jersey Economic Development Authority to conduct a financial review. This is the final step in determining whether an applicant meets the grant requirements or is able to repay a loan.

GRANT/LOAN LIMITATIONS:

Grant recipients are eligible to receive up to \$250,000 per site. Loan applicants are eligible to receive up to \$1 million per site.

APPLICATION PROCEDURES:

Copies of the application are available from: Division of Responsible Party Site Remediation or may be obtained on the DEP's home page at:
<http://www.nj.us/dep/srp>

Application Deadline:

None.

Notification Date:

Not Applicable.

**FOR INFORMATION OR TO
REQUEST AN APPLICATION,
CONTACT:**

Domenic Picardi
Division of Responsible Party Site Remediation
401 East State St. - 5th Floor
PO Box 028
Trenton, NJ 08625-0028
(609) 984-4464
Email: domenic.picardi@dep.state.nj.us

APPLICATION HOT LINK:

<http://www.state.nj.us/dep/srp/finance/ustfund.htm>

[contact us](#) | [privacy notice](#) | [legal statement](#) |

unit: [home](#)

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Department of Environmental Protection

P. O. Box 402

Trenton, NJ 08625-0402

Last Updated: November 15, 2002



Bruce Zeidman
<BDZ@209law.com>

09/22/2003 04:00 PM
Please respond to BDZ

To: Rebecca Jamison/R2/USEPA/US@EPA
cc:
Subject: chomiczewski

Rebecca I understand Charlie called you and will be making an application for a grant Do you need another letter for an extension. Can this be sufficient?

Thank you BDZ



Rebecca Jamison
09/22/2003 04:00 PM

To: BDZ@209law.com
cc: Claudia Gutierrez/R2/USEPA/US@EPA
Subject: Charlie & sons field citation

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~~~~~  
Rebecca Jamison  
US EPA Region 2  
Division of Enforcement and Compliance Assistance  
Ground Water Compliance Section  
290 Broadway- 20th floor  
New York, NY 10007  
(212) 637-3948 (phone)  
(212) 637-4211 (fax)

~~~~~  
Bruce Zeidman <BDZ@209law.com>



Bruce Zeidman
<BDZ@209law.com>
09/22/2003 04:00 PM
Please respond to BDZ

To: Rebecca Jamison/R2/USEPA/US@EPA
cc:
Subject: chomiczewski

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Thank you BDZ



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2

290 Broadway
New York, NY 10007-1866

July 14, 2003

Bruce Zeidman
Cofsky & Zeidman, LLC
209 N. Haddon Avenue
Haddonfield, NJ -8033-2322

OPTIONAL FORM 99 (7-90)

FAX TRANSMITTAL

of pages ► 1

To <i>Le Ziedman</i>	From <i>R Jamison</i>
Dept./Agency	Phone # <i>212-637-3948</i>
Fax # <i>856-429-6327</i>	Fax #
NSN 7540-01-317-7368	5099-101 GENERAL SERVICES ADMINISTRATION

RE: Charlie & Sons Service Center, US EPA Field Citation # 563

Dear Mr. Ziedman:

We are in receipt of your July 8, 2003 letter requesting an extension to comply with the October 2002 Field Citation issued to Charlie & Sons Service Center. EPA grants an extension of 60-day extension from the date of this letter. Please plan to keep EPA informed of the progress made in complying with the Field Citation #563.

Please feel free to call me at 212-637-3948 or Claudia Gutierrez at 212-637-4945 with questions or comments.

Sincerely,

Rebecca Jamison
Division of Enforcement and Compliance Assistance
Ground Water Compliance Section

COFSKY & ZEIDMAN, LLC

ATTORNEYS AT LAW

209 N. HADDON AVENUE
HADDONFIELD, NJ 08033-2322
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(856)429-5005
FAX (856)429-6328

660 TWO LOGAN SQUARE
PHILADELPHIA, PA 19103-2707
(215)563-2150

July 8, 2003

REPLY TO: Haddonfield

FAX 212-637-4211
REBECCA JAMISON
EPA Region 2

RE: Charlie & Son Service Center

Dear Ms. Jamison::

Attached are materials re: status of tank removal

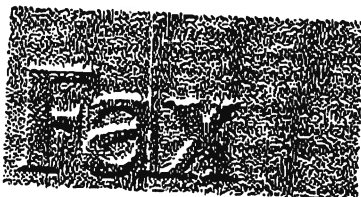
Accordingly, we respectfully request an additional extension of time.

Thanking you for your cooperation and attention, I remain,

Very truly yours,

BRUCE D. ZEIDMAN
For the Firm

BDZ:sh



Date: 7/8/03

To: Cofsky & Zeidman LLC
Bruce Ziedman
Phone: 856-429-5005
Fax: 856-429-6328

From: Active Environmental Technologies, Inc.
Gregory J. Davis
gdavis@active-env.com
Phone: 609-702-1500
Fax: 609-702-0265

Pages: 4 (including cover page)

Re: Status Update Concerning UST Closure Activities
Charlie & Son Servicenter, LLC
1503 Haddon Avenue
City of Camden
Camden County, New Jersey
Our File # 3026

Dear Mr. Ziedman:

Pursuant to your prior telephone message and my unsuccessful attempts to reach you, I am providing you with the following information regarding the status of the above referenced project.

As of the date of this correspondence, the regulated tanks (two 4,000-gallon gasoline & one 500-gallon waste oil USTs) have been properly registered with the New Jersey Department of Environmental Protection (NJDEP). Furthermore, application for closure was made in conjunction with the tank registration application on May 16, 2003. Based upon completion of tank registration and my prior discussions with Mr. Stuart Friedman of the NJDEP, written approval for closure dated April 1, 2003 was obtained. For your convenience, a copy of the closure approval is attached for your review.

On or about June 19th, Vargo Construction, the tank removal contractor and a relative of Mr. Chomirzewski, was notified that closure approval had been granted by the NJDEP. At that time, I stated that I wished for Vargo to review their schedule and contact me with available dates to complete the work activities under our required oversight. To date, I have not received any notification of any scheduling date from Vargo. Additionally, I am not aware if Vargo has applied to the local construction office or obtained the permits required for tank closure which will directly effect project scheduling on their end. Furthermore, based upon our availability, the earliest that the work could be scheduled would be late in the week of July 21st or sometime thereafter.

In the event that you have any further questions, please do not hesitate to contact my office.

The information contained within this facsimile transmission is intended for the use of the named individual or entity to which it is directed and may contain information that is privileged or otherwise confidential. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify the sender by telephone at (609) 702-1500 and destroy or return any and all copies of this communication via the U.S. Postal Service to Active Environmental Technologies, Inc. 40 High Street - Suite 100, Mount Holly, New Jersey 08060 so that we may correct our records.



New Jersey Department of Environmental Protection

Division of Remediation Support
Bureau of Risk Management, Initial Notice and Case Assignment
PO Box 435
Trenton, NJ 08625-0435
(609) 633-0708

**CLOSURE - Notice of Intent
Underground Storage Tank System**

DEP Received Date: 04/01/2003

Earliest Start of Work Date: 04/15/2003

Expiration Date: 05/27/2004

TMS #: N03-2240

Activity #: UCL030001

Facility ID #: 195048

Facility Name:

CHARLIE & SON SERVICE CENTER LLC

Facility Address:

1503 HADDON AVE
Camden City
Camden County

Decommission, close and conduct a site investigation for the UST(s) and all associated piping specified in this approval in accordance with the Technical Requirements for Site Remediation, N.J.A.C. 7:26E.

The management of any excavated soils must follow the requirements listed in N.J.A.C. 7:14B-8.2.

Note: The UNDERGROUND STORAGE TANK SERVICES CERTIFICATION ACT, N.J.S.A. 58:10A-24, requires all services performed on an UST system for the purpose of complying with P.L.1986, c.102 to be performed by or under the immediate on-site supervision of a person certified by the Department for that service. The certified person providing that service must be employed by a business that is also certified by the Department for that service.

Contact Person: ROBERT ILES JR

Telephone #: (609)702-1500

This Permit must be displayed at the Site during the Approved Activity and must be made available for inspections at all times.

The above listed facility is hereby granted approval to perform the attached activities in accordance with N.J.A.C. 7:14B-1 et. seq.

Rafael Rivera

Rafael Rivera, Supervisor
Bureau of Risk Management, Initial Notice and Case Assignment

This Permit consists of 2 pages.

The closure of the following:

- One-4000 gallon Unleaded Gasoline underground storage tank, and appurtenant piping.
- One-4000 gallon Unleaded Gasoline underground storage tank, and appurtenant piping.
- One-500 gallon Waste Oil underground storage tank, and appurtenant piping.

UST System Closure Approval

TMS #: N03-2240

PI ID: 195048



State of New Jersey

Department of Environmental Protection

Division of Responsible Party Site Remediation
Bureau of Case Assignment and Initial Notice
Underground Storage Tank Unit

P.O. Box 435

Trenton, New Jersey 08625-0435

(609) 633-0708

James E. McGreevey
Governor

Bradley M. Campbell
Commissioner

Dear Applicant:

The New Jersey Department of Environmental Protection (hereinafter "Department") has received your "14 DAY NOTICE OF INTENT TO CLOSE AN UNDERGROUND STORAGE TANK (UST) SYSTEM" (hereinafter "14-day NOTICE OF INTENT"). Submittal of this 14-day NOTICE OF INTENT is required by the Regulations Implementing the New Jersey Underground Storage of Hazardous Substances Act, N.J.A.C. 7:14B et seq., specifically N.J.A.C. 7:14B-9.2. This 14-Day Notice of Intent must be submitted to the Department and to all applicable county and municipal health departments and municipal agencies at least 14 calendar days prior to the anticipated date of a regulated UST and/or piping closure. (Notification requirements are not required for tanks containing hazardous wastes regulated by N.J.A.C. 7:26, the New Jersey Hazardous Waste Regulations. Such hazardous waste tanks must comply with the closure procedures of N.J.A.C. 7:26.)

The Department has issued to you the enclosed document entitled CLOSURE - NOTICE OF INTENT. Pursuant to N.J.A.C. 7:14B-9.2, this document gives you authorization to close the UST(s) and/or the piping. Closure may begin anytime after the EARLIEST DATE OF CLOSURE specified in the document provided it is prior to the EXPIRATION DATE and that all municipal and county authorizations have been obtained. The document also references the Facility ID#, the TMS# and the Activity #. These three numbers are used by the Department to identify the document and the facility. Please reference these three numbers in all correspondences.

The enclosed Underground Storage Tank Facility Questionnaire must be submitted to the Department's Registration and Billing Unit at the address printed on top of the questionnaire within seven (7) days of the tank and/or piping closure. The date of removal or abandonment must be specified in the Questionnaire. The UST Facility Questionnaire will be used to update the status of the tank(s) and/or piping at the facility.

After completion of the closure of the USTs, a Site Investigation Report or Remedial Investigative Report (SIR/RIR) must be submitted to the Bureau of Case Assignment and Initial Notice at the above address with the appropriate fee. The SIR/RIR must be prepared pursuant to N.J.A.C. 7:26E, the Technical Requirements for Site Remediation, and submitted within one hundred twenty (120) days of completion of the closure. The enclosed UST SIR/RIR Certification Form must be completed and submitted with the required report. If contamination is detected, you are required to initiate corrective action. All discharges must be reported to the New Jersey Department of Environmental Protection Action Hotline at 1-877-WARNDEP (1-877-927-6337). This telephone line is open 24 hours a day, 7 days a week.

Finally, a demolition permit issued pursuant to N.J.A.C. 5:23 et seq. and authorized by the Department of Community Affairs (DCA) Construction Code Element, must be procured from the construction code official for the local municipality. For further information please contact the local construction code official directly, or DCA Code Assistance Unit at 609-984-7172.

Note: The Department has also instituted an electronic submittal option for the 14-Day Notice of Intent. The Department strongly encourages you to use this option at www.njdeponline.com since it will enable applicants to instantly notify us of proposed closures. After completing the application on-line the applicant will immediately be able to print the document, Closure - Notice of Intent.

If you have any questions other than those regarding a demolition permit, please feel free to contact the Bureau of Case Assignment and Initial Notice at (609) 633-0708.

Enclosures: Underground Storage Tank Facility Questionnaire
Underground Storage Tank Certification Form
Closure - Notice of Intent Document

Claudia Gutierrez
06/19/03 08:31 AM

To: Rebecca Jamison/R2/USEPA/US@EPA
cc:
Subject: Re: field citations

..... Forwarded by Claudia Gutierrez/R2/USEPA/US on 06/19/03 08:30 AM



Joshua Gradwohl
<Joshua.Gradwohl@d
ep.state.nj.us>

To: Claudia Gutierrez/R2/USEPA/US@EPA
cc:
Subject: Re: field citations

06/18/03 03:24 PM

The City of Camden has not submitted any info to us for all 3 sites including registering the tanks at the Broadway & Liberty Station and removing them from the 100 Wright Ave site registration.

Monk's Amoco/Gulf has not submitted a corrected registration to change the line construction from Fiberglass to Steel and no documentaion of the CP testing of the tanks or lines and LLD tests.

Larry's Professional. A permit was finally approve on 6/4/2003 to close the OOS USTs. permit #N03-2257. I do not know if work has started. To his credit Larry did call me a few weeks ago to ask questions about tank closure requirements.

Charlies & Son. The tanks were finally registered and a permit approved to close 3 USTS on 5/27/2003. I do not know if work has commenced. Registration #195048. Permit # N03-2240

>>> <Gutierrez.Claudia@epamail.epa.gov> 06/18/03 12:21PM >>>
Hi Josh:
how are you? hope all is well at the DEP

I'm sending this message regarding 4 field citations that are still pending, Rebecca is going to the follow up please fax her the inspection reports and notifications, also any information regarding compliance with both state and epa violations.
Rebecca's # is 212-637-3948 and fax is 212-637-4211.

- 1- City of Camden
- 2- Larry's Professional Service
- 3- Charlie & son servicer
- 4- Gulf Monk

I realize you have many many priorities, thank you in advance for your help.

C

COFSKY & ZEIDMAN, LLC

ATTORNEYS AT LAW

DONALD C. COFSKY
CERTIFIED BY THE SUPREME COURT OF
NEW JERSEY AS A CIVIL TRIAL ATTORNEY

BRUCE D. ZEIDMAN

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660 TWO LOGAN SQUARE
PHILADELPHIA, PA 19103-2707
(215)563-2150

April 25, 2003

REPLY TO: Haddonfield

FAX 212-637-4211

Claudia Gutierrez
EPA Region 2

RE: Charlie & Son Service Center

Dear Ms. Gutierrez:

As a follow up to our conversation of April 24, 2003, Mr. Chomiczewski has delivered to me a copy of a certified letter he had received from Active Environmental Technologies, Inc., the company with whom he had contracted for the removal of his tanks. They had filed a 30 day notice of intent to close the tank on behalf of Charlie & Son Service Center, however, as you are aware, there have been some problems with the registration of the tanks. They had forwarded Mr. Chomiczewski a new registration which would deal with the tanks that are being removed, as well as a waste oil storage tank that is on the premises.

As I had related, Mr. Chomiczewski is experiencing heart problems and had been in fact hospitalized during the month of April and has now been released. It is my understanding that he will be paying the registration fees so that Active Environmental Technologies can proceed.

Accordingly, we respectfully request an additional extension of time.

Thanking you for your cooperation and attention, I remain,

Very truly yours,

BRUCE D. ZEIDMAN
For the Firm

BDZ:sh

COFSKY & ZEIDMAN, LLC

ATTORNEYS AT LAW

DONALD C. COFSKY
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BRUCE D. ZEIDMAN

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660 TWO LOGAN SQUARE
PHILADELPHIA, PA 19103-2707
(215)563-2150

January 6, 2003

REPLY TO: Haddonfield

FAX 212-637-4211

Claudia Gutierrez
EPA Region 2

RE: Charlie & Son Service Center

Dear Ms. Gutierrez:

On behalf of Charlie & Son Service Center, I am requesting another extension. They are continuing in their efforts towards tank closure

Should you have any questions, please feel free to contact me directly, I remain,

Very truly yours,

BRUCE D. ZEIDMAN
For the Firm

BDZ:sh
Enclosure
cc: Charlie Chomiczewski



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

DEC 5 2002

CERTIFIED MAIL- RETURN RECEIPT REQUESTED

Article Number: 7001-0320-0002-5344-2748

Charlie Chomiccewski
Charlie & Son Service-Center
1503 Haddon Avenue
Camden, NJ 08103

RE: Field Citation II-UST-FC-563
Extension of Time

Dear Mr. Chomiccewski:

This is in response to your facsimile letter dated November 26, 2002, on behalf of Charlie & Son Servi-Center regarding the above referenced field citation.

Your request for an extension is hereby approved. Please respond to the citation by no later than **January 6, 2003.**

If you have any questions, please call Claudia Gutierrez of my staff at 212-637-4945 or via email at gutierrez.claudia@epa.gov.

Sincerely,

Ben Singh, Acting Section Chief
Ground Water Compliance Section

cc: Claudia Gutierrez, DECA/WCB
John Ciorciari, OPM/FAMB

COFSKY & ZEIDMAN, LLC

ATTORNEYS AT LAW

DONALD C. COFSKY
CERTIFIED BY THE SUPREME COURT OF
NEW JERSEY AS A CIVIL TRIAL ATTORNEY

BRUCE D. ZEIDMAN

MEMBERS NJ & PA BAR

209 N. HADDON AVENUE
HADDONFIELD, NJ 08033-2322
(856)429-5005
FAX (856)429-6328
www.209law.com

122 DELAWARE STREET
WOODBURY, NJ 08096-5047
(856)429-5005
FAX (856)429-6328

660 TWO LOGAN SQUARE
PHILADELPHIA, PA 19103-2707
(215)563-2150

November 27, 2002

REPLY TO: Haddonfield

FAX 212-637-4211

Claudia Gutierrez
EPA Region 2

RE: Charlie & Son Service Center

Dear Ms. Gutierrez:

On behalf of Charlie & Son Service Center, I am requesting an extension. I am enclosing copies of the documentation provided to the State of New Jersey indicating that we are in the process of formal closure of the tanks at issue.

Should you have any questions, please feel free to contact me directly, I remain,

Very truly yours,


BRUCE D. ZEIDMAN
For the Firm

BDZ:sh
Enclosure
cc: Charlie Chomiczewski

COFSKY & ZEIDMAN, LLC

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FAX (856)429-6328

660 TWO LOGAN SQUARE
PHILADELPHIA, PA 19103-2707
(215)563-2150

November 19, 2002

REPLY TO: Haddonfield

CERTIFIED MAIL

State of New Jersey
Department of Environmental Protection
Bureau of Case Assignment & Initial Notice
401 East State Street
P.O. Box 435
Trenton, NJ 08625

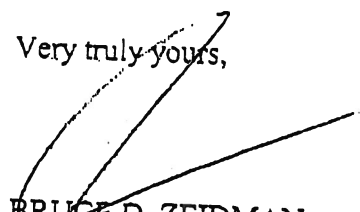
Re: Charlie & Son Service Center

Dear Sir or Madam:

Enclosed please find the completed closure of an underground storage tank system form.

Thanking you for your cooperation and attention, I remain,

Very truly yours,


BRUCE D. ZEIDMAN
For the Firm

BDZ:sh
Enclosure

UST-C13, 11/2001

STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF CASE ASSIGNMENT and INITIAL NOTICE
401 EAST STATE STREET
P.O. BOX 435
TRENTON, NEW JERSEY 08625-0435

FACILITY ID # _____ **FOR NJDEP USE ONLY**
ACTIVITY # _____
TMS # _____
RECEIVED DATE _____
EARLIEST START OF CLOSURE DATE _____

CLOSURE OF AN UNDERGROUND STORAGE TANK (UST) SYSTEM FORM

Submission of this form is a requirement of N.J.A.C. 7:14B-9. This form replaces UST-013 and UST-N13. *You can also use NJDEP On-Line at www.njdeponline.com for submittal of the Notice of Intent To Close An UST System. Additionally, an UST Facility Certification Questionnaire must be completed and submitted to the Department within seven days of the completion of all closure activities.*

Has closure occurred prior to this submittal? YES/ NO If Yes date of closure: _____
Check appropriate box for type of submittal (only one type per submittal)

☒ 1. Notice of Intent To Close An UST System Complete Sections A, B, D

As per N.J.A.C. 7:14B-9, the owner or operator of an underground storage tank system is required to notify the Department and all county and municipal health departments and municipal agencies of the intent to close an underground storage tank system on this closure form at least 14 calendar days prior to the anticipated closure date. This notification requires no fee. A verification from the Department will be sent to the address listed in Section D of this closure form indicating the earliest date you may begin the closure of the UST system and will include a Facility ID# and an Activity # for the activity proposed. The Department will use these numbers to track all activities associated with the tank(s) and/or piping listed on this closure form. Therefore it is important that these numbers be used in all applicable future reports. You must include a copy of this form with the application required for a local demolition permit.

NOTE: If a closure plan approval (#2 below) has previously been issued for the UST system(s) being closed, notification will not be required unless additional UST systems are scheduled for closure.

☐ 2. UST Closure Plan Review / Variance Request Approval Complete all Sections A, B, C, D

The owner or operator of an UST system may choose to submit a closure plan to the Department for review and approval instead of a notification. The closure plan should be submitted at least 60 days in advance of the anticipated closure date. This approval requires a \$300 fee for review pursuant to N.J.A.C. 7:14B-3.5. All variances from the technical requirements of N.J.A.C. 7:26E must be included with the closure plan pursuant to N.J.A.C. 7:26E-1.6(d). After review the Department will issue a written response either approving or denying the plan. Closure may begin immediately after receiving written approval from the Department and the local authorities.

☐ 3. Out of Service UST Extension Request for more than 12 months Complete Sections A, B, D

The owner or operator can request an extension for an UST system to remain out of service for a period more than 12 months without having to close the tank system per N.J.A.C. 7:14B-9.1(c). This form along with a Site Investigation Report completed in accordance with N.J.A.C. 7:26E must be submitted at least 30 calendar days prior to the expiration of the 12-month period. A \$500 fee is required for review of the site investigation report. If a release monitoring system exists then an out of service UST extension request may be made as per N.J.A.C. 7:14B-9.1(c) 2.

NOTE: A completed UST Facility Certification Questionnaire must have been previously submitted to the Bureau of Fund Management, Compliance & Recovery, Registration and Billing Section indicating the UST system(s) are out of service.

UST-C13, 11/2001

NOTE: Change in Service from a Regulated to a Nonregulated Substance

In accordance with N.J.A.C. 7:14B-9.4, the owner or operator of an Underground Storage Tank System in which the substance being stored is being changed to a substance not regulated by this chapter shall: (1) Prior to storing the nonregulated substance, empty and clean the tank by removing all liquid and accumulated sludge; (2) Prior to storing the nonregulated substance, conduct a site investigation of the Underground Storage Tank System in accordance with N.J.A.C. 7:26E-3; and (3) Submit a site investigation report prepared and presented in accordance with N.J.A.C. 7:26E-3.13 within 120 calendar days after the tank cleaning along with the required **\$500 review fee**. Additionally, the owner/operator must submit a Facility Certification Questionnaire indicating the change to the Bureau of Fund Management, Compliance & Recovery, Registration and Billing Section. Should a discharge of hazardous substances be identified, refer to N.J.A.C. 7:14B-9.4(b). In accordance with N.J.A.C. 7:26E-6.3(b)6ii, contamination detected above an applicable remediation standard may require the removal of the tank system to facilitate remedial action.

- Please type or print legibly in ink. Call 609/633-0708 for help in completing this notification.
- The UST system must be registered. If the UST system is **not** registered this form will not be processed.

Section A - General Facility Information

1. FACILITY ID # _____ BLOCK _____ LOT _____
FACILITY NAME Charlie & Son Service Center
FAC. ADDRESS LINE 1(# and Street) 1503 Haddon Avenue
FAC. ADDRESS LINE 2 (PO Box, Suite) _____
MUNICIPALITY Camden COUNTY Camden
2. OWNER'S NAME / (Organization) Charles Chomiczewski
CONTACT PERSON _____ TITLE Managing Member
ADDRESS LINE 1(# and Street) 1503 Haddon Avenue
ADDRESS LINE 2 (PO Box, Suite) _____ CITY Camden
STATE NJ ZIP 08103 TELEPHONE NUMBER _____
3. OPERATOR'S NAME / (Organization) Charlie & Son Service Center
CONTACT PERSON Charles Chomiczewski TITLE Managing Member
ADDRESS LINE 1(# and Street) 1503 Haddon Ave.
ADDRESS LINE 2 (PO Box, Suite) _____ CITY Camden
STATE NJ ZIP 08103 TELEPHONE NUMBER _____

UST-C13, 11/2001

Section B - Specific Tank Information**Certifications** (Indicate below the name & cert. # of the firm & individual performing/performed the UST service):**1. FOR UST CLOSURE ACTIVITIES (PHYSICAL REMOVAL OR ABANDONMENT)**

Certification# _____ Name of Certified Firm _____

Certification# _____ Name of Certified Individual _____

2. FOR SUBSURFACE EVALUATION (SITE INVESTIGATION, CORRECTIVE ACTION, etc.)

Certification# _____ Name of Certified Firm _____

Certification# _____ Name of Certified Individual _____

NOTE: The UNDERGROUND STORAGE TANK SERVICES CERTIFICATION ACT, N.J.S.A. 58:10A-24.1 et seq., requires that any services performed on an UST system for the purposes of complying with P.L.1986, c.102 must be performed by, or under the immediate on-site supervision of, a person certified by the Department for that service. The certified person providing that service must be employed by a business that is also certified by the Department for that service.

ActivityIs this submittal in response to a discharge? ___ YES/ ☒ NO; If Yes enter Com.Center # (i.e. 00-00-00-0000-00) _____Is this submittal related to an active SRP case? ___ YES/ ☒ NO; If Yes enter Case # (i.e. 000001USR010001) _____

Proposed Date Underground Storage Tank(s) and/or piping will be closed: _____

Complete the following information concerning UST system closure.

If piping is being closed without associated tank, please include associated Tank No., Tank Size, and Tank Contents fields and check PIPING ONLY.

Tank Closure

Tank No. (i.e. E1)	Length of Piping (ft)	Tank Size (gallons)	Tank Contents*	PIPING ONLY
1	TBD	4000	Unleaded Gas	<input type="checkbox"/>
2	TBD	4000	Unleaded Gas	<input type="checkbox"/>
3	TBD	500	Waste Oil	<input type="checkbox"/>
				<input type="checkbox"/>
				<input type="checkbox"/>
				<input type="checkbox"/>

* If material is a hazardous substance but not a petroleum product, use chemical name and CAS number to identify tank's content (Brand or trade names are unacceptable).

Check here and attach additional page(s) if needed. _____

UST-C13, 11/2001

Section C - Site Investigation Work Plan/ Tank Decommissioning Plan

Complete this section only if applying for UST Closure Plan Review/Variance Request Approval
Attach the following information as required by N.J.A.C. 7:14B-9.2:

a. Implementation schedule

b. A scaled site map clearly identifying the UST system location(s) scheduled for closurec. Site Investigation Work Plan (Check Correct Response):

SI will be performed in accordance with N.J.A.C. 7:26E, the Technical Requirements for Site Remediation. (Do not submit additional SI information.)

A variance from N.J.A.C. 7:26E is being requested. In accordance with N.J.A.C. 7:26E-1.6(d), an alternate SI plan is attached for review.

d. Decommissioning Plan (Check Correct Response):

The UST Decommissioning Plan will conform to N.J.A.C. 7:26E-6.3(b); the New Jersey Uniform Construction Code (N.J.A.C. 5:23) and the current American Petroleum Institute's guidance (API Recommended Practice 1604).

A variance UST Decommissioning Plan is being requested. In accordance with N.J.A.C. 7:26E-1.6(d), an alternate UST Decommissioning Plan is attached for review.

Section D - This Notification has been submitted by:Name (print or type) Charles ChomiczewskiSignature Charles ChomiczewskiTitle Managing MemberDate 10/31/02Organization Charlie & Son Service CenterAddress Line 1(# and Street) 1503 Haddon Avenue

Address Line 2 (PO Box, Suite) _____

City CamdenState NJZip 08103

Telephone _____

E-mail Address _____

Mail the Closure Certificate to:☒ Check if same as above

Name (print or type) _____

Title _____

Organization _____

Address _____

City _____

State _____

Zip _____

Telephone _____

E-mail Address _____

COFSKY & ZEIDMAN, LLC

ATTORNEYS AT LAW

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(215)563-2150

DONALD C. COFSKY
CERTIFIED BY THE SUPREME COURT OF
NEW JERSEY AS A CIVIL TRIAL ATTORNEY

BRUCE D. ZEIDMAN

MEMBERS NJ & PA BAR

November 6, 2002

REPLY TO: Haddonfield

CERTIFIED MAIL

EPA Region 2
Water Compliance Branch
Ground Water Compliance Section
290 Broadway
New York, NY 10007-1866

RE: Charlie & Son Service Center

Dear Sir or Madam:

Enclosed please find the compliance order/settlement agreement executed by Mr. Chomiczewski, as well as a check in the amount of \$600.00. They have stopped using the tanks and have initiated the closure process with the State of New Jersey.

Thanking you for your cooperation and attention, I remain,

Very truly yours,


BRUCE D. ZEIDMAN
For the Firm

BDZ:sh

Enclosures

cc: EPA-Region 2

(Regional Hearing Clerk)

P.O. Box 360188M

Pittsburgh, PA 15251

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION II
290 Broadway, New York, NY 10007-1866

NOTICE OF VIOLATION AND
COMPLIANCE ORDER/SETTLEMENT AGREEMENT

PART I
NOTICE OF VIOLATION

On this 8 day of October, 192002

at 12:35 a.m./p.m.

at the Facility: Charlie & Son Service Center

located at: 1503 HADDON AVENUE, CHANDLER NY 11915

State permit/license/identification number: Not registered
in the presence of the Owner/Operator/On-Site Representative:

Charlie Chomiczewski

Title: OWNER

an authorized representative of the United States Environmental Protection Agency (EPA) inspected this facility to determine compliance with underground storage tank regulations promulgated under Subtitle I of the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. § 6912 et seq.). During this inspection, the following violations of the underground storage tank regulations were found:

40 CFR 280. 21(a) Penalty: \$ 6000.00

Violation: Failure to perform replacement

upgrade or closure for existing sub-tanks

40 CFR 280. _____ Penalty: \$ _____

Violation: _____

40 CFR 280. _____ Penalty: \$ _____

Violation: _____

40 CFR 280. _____ Penalty: \$ _____

Violation: _____

40 CFR 280. _____ Penalty: \$ _____

Violation: _____

Proposed Penalty Total: \$ 6000.00

I have personally observed the above violations of the underground storage tank regulations.

[Signature] Date: 10/8/02

(Signature of EPA Inspector)

Receipt: I hereby acknowledge receipt of this Notice of Violation and the accompanying Compliance Order/Settlement Agreement and Instructions.

Charles Chomiczewski Date: 10/8/02

(Signature of Owner, Operator or On-site Representative)

Charles Chomiczewski

(Print Name)

has begun closure process.

FIELD CITATION No: II-UST-FC-

563

PART II
COMPLIANCE ORDER/SETTLEMENT AGREEMENT

This Compliance Order/Settlement Agreement is not effective until signed below by the owner or operator and approval by EPA is acknowledged through EPA's signature below. By signing the Settlement Agreement included herein, the owner or operator agrees not to challenge the issuance of the Compliance Order included herein and accepts the terms of the Settlement Agreement. The owner or operator shall sign the Settlement Agreement first, and return it to EPA as provided in the instructions provided with this Compliance Order/Settlement Agreement. Subsequent signature by EPA constitutes issuance of the Compliance Order and approval on EPA's part of the Settlement Agreement. Approval and signature by EPA is in the sole discretion of the Regional Administrator, Region II, or authorized delegate. EPA reserves the right to withdraw this offer of settlement at any time prior to signature by EPA.

Compliance Order:

Under the authority of Subtitle I of the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. §6912 et seq.), EPA FINDS that the owner or operator signing below is in violation of the underground storage tank regulations as described in the foregoing Notice of Violation, and Orders the owner or operator signing below to correct the violations and pay a civil penalty or penalties in the full amount described in the Notice of Violation (Part I).

Settlement Agreement:

In order to expeditiously settle violations described in the Notice of Violation found herein, EPA AND THE OWNER OR OPERATOR SIGNING BELOW ENTER INTO THE FOLLOWING SETTLEMENT AGREEMENT:

1. This Settlement Agreement is binding on the EPA and the Facility whose Owner or Operator signs below.
2. The Owner or Operator signing below certifies, under threat of civil and criminal penalties for making a false submission to the United States Government, that the Owner or Operator has corrected the violations described in the Notice of Violation. The owner or operator has presented EPA with this Settlement Agreement, a certified check to pay the full amount of penalties in accordance with the instructions included with this Notice of Violation and Compliance Order/Settlement Agreement. FAILURE TO RETURN THE SIGNED SETTLEMENT AGREEMENT AND CERTIFIED CHECK WITHIN 30 DAYS OF ISSUANCE OF THE NOTICE OF VIOLATION WILL RESULT IN AUTOMATIC WITHDRAWAL OF THIS SETTLEMENT OFFER.
3. The Owner or Operator signing below waives any objections to EPA's jurisdiction with respect to this Compliance Order/Settlement Agreement, the violations, penalty amount, and consents to EPA's approval of this Settlement Agreement without further notice.
4. The Owner or Operator signing below waives the opportunity for a public hearing pursuant to Section 9006 of the Resource Conservation and Recovery Act.
5. Upon EPA approval of this Settlement Agreement, EPA will take no further civil action against the Owner or Operator for the specific violations listed in this Notice of Violation provided the listed violations have been corrected.
6. EPA does not waive the authority of EPA or the designated state or local implementing agency to take enforcement action for any past, present or future violations of the underground storage tank requirements not described in Part I Notice of Violation. Further, EPA does not waive its authority to enforce for violations under any other statute.
7. This Settlement Agreement is effective upon EPA's approval entered below. Upon EPA approval, EPA shall mail a copy of the approved Settlement Agreement to the Owner or Operator signing below at the address provided.
8. Approval of this Settlement Agreement is in the sole discretion of the EPA Regional Administrator, Region II, or authorized delegate.

SIGNATURE BY OWNER OR OPERATOR:

Name: Charles Chomiczewski Title: owner

Charles Chomiczewski Date: 11/7/02
(Signature)

Facility Name and Address: Charlie & Son Service Center

1503 HADDON AVENUE, CHANDLER NY 11915

ACCEPTANCE AND APPROVAL BY EPA:

Name: _____ Title: _____

(Signature)



55-760312

Cashier's Check

No. 63007235

Date November 06, 2002

Pay to the Order of U.S. ENVIRONMENTAL PROTECTION AGENCY

\$ 600.00

Six Hundred Dollars

CHARLIE & SON SERVICE CENTER LLC
Remitter

PNC Bank, National Association
Carol M. [Signature]
Signature

EFORM120935-0800

⑈63007235⑈ ⑆031207607⑆ 8010001257⑈

melkon

11-12-02 0360188 0188165 10 001 26


16,550.00
34571580

11/13/02

JOHN,

MA CRUISE DATE 11/12/02

J. CIORCIARE,
FMB

Cashier's Check		PNCBANK PNC Bank, National Association		55-700713
Pay to the Order of U.S. ENVIRONMENTAL PROTECTION AGENCY		No. 63007235		Date November 06, 2002
Six Hundred Dollars		\$ 600.00		
CHARLIE & SON SERVICE CENTER LLC <small>Payee</small>		 <small>Signature</small>		
#63007235# #031207607# 8010001257#		#00000600000#		

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION II

290 Broadway, New York, NY 10007-1866

NOTICE OF VIOLATION AND
COMPLIANCE ORDER/SETTLEMENT AGREEMENT

PART I
NOTICE OF VIOLATION

On this 8 day of October, 10/2002

at 12:30 a.m./p.m.

at the Facility: Charlie's Son Sewer

located at: 503 MADISON AVENUE CAMDEN NJ 08103

State permit/license/identification number: Not registered
in the presence of the Owner/Operator/On-Site Representative:

Charlie Chomicewski

Title: OWNER

an authorized representative of the United States Environmental Protection Agency (EPA) inspected this facility to determine compliance with underground storage tank regulations promulgated under Subtitle I of the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. § 6912 et seq.). During this inspection, the following violations of the underground storage tank regulations were found:

40 CFR 280. 21(a) Penalty: \$ 60000

Violation: Failure to perform replacement, upgrade or closure for existing sub-tanks

40 CFR 280. _____ Penalty: \$ _____

Violation: _____

40 CFR 280. _____ Penalty: \$ _____

Violation: _____

40 CFR 280. _____ Penalty: \$ _____

Violation: _____

40 CFR 280. _____ Penalty: \$ _____

Violation: _____

Proposed Penalty Total: \$ 600.00

I have personally observed the above violations of the underground storage tank regulations.

(Signature of EPA Inspector)

Date: 10/8/02

Receipt: I hereby acknowledge receipt of this Notice of Violation and the accompanying Compliance Order/Settlement Agreement and Instructions.

(Signature of Owner, Operator or On-site Representative)

Date: 10/8/02

Charles Chomicewski
(Print Name)

has begun closure process,

FIELD CITATION No: II-UST-FC-

563

PART II
COMPLIANCE ORDER/SETTLEMENT AGREEMENT

This Compliance Order/Settlement Agreement is not effective until signed below by the owner or operator and approval by EPA is acknowledged through EPA's signature below. By signing the Settlement Agreement included herein, the owner or operator agrees not to challenge the issuance of the Compliance Order included herein and accepts the terms of the Settlement Agreement. The owner or operator shall sign the Settlement Agreement first, and return it to EPA as provided in the instructions provided with this Compliance Order/Settlement Agreement. Subsequent signature by EPA constitutes issuance of the Compliance Order and approval on EPA's part of the Settlement Agreement. Approval and signature by EPA is in the sole discretion of the Regional Administrator, Region II, or authorized delegate. EPA reserves the right to withdraw this offer of settlement at any time prior to signature by EPA.

Compliance Order:

Under the authority of Subtitle I of the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. § 6912 et seq.), EPA FINDS that the owner or operator signing below is in violation of the underground storage tank regulations as described in the foregoing Notice of Violation, and Orders the owner or operator signing below to correct the violations and pay a civil penalty or penalties in the full amount described in the Notice of Violation (Part I).

Settlement Agreement:

In order to expeditiously settle violations described in the Notice of Violation found herein, EPA AND THE OWNER OR OPERATOR SIGNING BELOW ENTER INTO THE FOLLOWING SETTLEMENT AGREEMENT:

1. This Settlement Agreement is binding on the EPA and the Facility whose Owner or Operator signs below.
2. The Owner or Operator signing below certifies, under threat of civil and criminal penalties for making a false submission to the United States Government, that the Owner or Operator has corrected the violations described in the Notice of Violation. The owner or operator has presented EPA with this Settlement Agreement, a certified check to pay the full amount of penalties in accordance with the instructions included with this Notice of Violation and Compliance Order/Settlement Agreement. FAILURE TO RETURN THE SIGNED SETTLEMENT AGREEMENT AND CERTIFIED CHECK WITHIN 30 DAYS OF ISSUANCE OF THE NOTICE OF VIOLATION WILL RESULT IN AUTOMATIC WITHDRAWAL OF THIS SETTLEMENT OFFER.
3. The Owner or Operator signing below waives any objections to EPA's jurisdiction with respect to this Compliance Order/Settlement Agreement, the violations, penalty amount, and consents to EPA's approval of this Settlement Agreement without further notice.
4. The Owner or Operator signing below waives the opportunity for a public hearing pursuant to Section 9006 of the Resource Conservation and Recovery Act.
5. Upon EPA approval of this Settlement Agreement, EPA will take no further civil action against the Owner or Operator for the specific violations listed in this Notice of Violation provided the listed violations have been corrected.
6. EPA does not waive the authority of EPA or the designated state or local implementing agency to take enforcement action for any past, present or future violations of the underground storage tank requirements not described in Part I Notice of Violation. Further, EPA does not waive its authority to enforce for violations under any other statute.
7. This Settlement Agreement is effective upon EPA's approval entered below. Upon EPA approval, EPA shall mail a copy of the approved Settlement Agreement to the Owner or Operator signing below at the address provided.
8. Approval of this Settlement Agreement is in the sole discretion of the EPA Regional Administrator, Region II, or authorized delegate.

SIGNATURE BY OWNER OR OPERATOR:

Name: Charles Chomicewski Title: owner

Charles Chomicewski Date: 10/7/02
(Signature)

Facility Name and Address: Charlie's Son Sewer
503 MADISON AVENUE CAMDEN NJ 08103

ACCEPTANCE AND APPROVAL BY EPA:

Name: _____ Title: _____

(Signature) _____ Date: _____

COFSKY & ZEIDMAN, LLC

ATTORNEYS AT LAW

DONALD C. COFSKY
CERTIFIED BY THE SUPREME COURT OF
NEW JERSEY AS A CIVIL TRIAL ATTORNEY

BRUCE D. ZEIDMAN

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660 TWO LOGAN SQUARE
PHILADELPHIA, PA 19103-2707
(215)563-2150

February 28, 2003

REPLY TO: Haddonfield

FAX 212-637-4211

Claudia Gutierrez
EPA Region 2

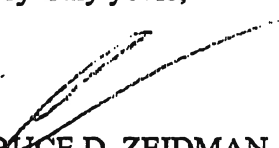
RE: Charlie & Son Service Center

Dear Ms. Gutierrez:

On behalf of Charlie & Son Service Center, I am requesting an additional sixty day extension. They have contracted with Active Environmental Technologies, Inc. Attached is a copy of the initial proposal which has been modified and signed recently.. They are continuing in their efforts towards tank closure

Should you have any questions, please feel free to contact me directly, I remain,

Very truly yours,


BRUCE D. ZEIDMAN
For the Firm

BDZ:sh
Enclosure
cc: Charlie Chomiczewski

Active



Environmental Technologies Inc.

January 7, 2002

Mr. Charles Chomirzewski
Chal-Lee Tydol Service Center
1503 Haddon Avenue
Camden, New Jersey 08103

Re: Proposal for Consulting Services for Tank Closure
Chal-Lee Tydol Service Center
1503 Haddon Avenue
City of Camden
Camden County, New Jersey

AET Proposal #8458

Dear Mr. Chomirzewski:

Pursuant to the meeting at your site the other day with Michael Iles, Active Environmental Technologies, Inc. (Active) is providing you with the following proposal.

1.0 Scope of Work

1.1 General

Based upon the meeting conducted at the site and Active's site inspection at the same time, Active assumes that the Scope of Work will include the following tasks:

- Closure Document Preparation
- Underground Storage Tank Cleaning Services
- Underground Storage Tank Closure Consulting Oversight & Sampling
- Report Preparation
- Miscellaneous Consulting Services

The Scope of Work presented herein is based upon the assumption no reportable discharge requiring remedial action has occurred from the Underground Storage Tanks. In the event that a discharge is discovered at the time of the closure activities, the Scope of Work may need to be revised. Any additional services beyond those identified within this proposal will be based upon the unit rates quoted herein and performed under a change order and or separate contract executed by Active and the client.

1.2 Closure Document Preparation

Prior to the commencement of any Underground Storage Tank (UST) closure activities, Active will prepare the "30-Day Notice of Intent to Close an Underground Storage Tank" form. The form will be submitted to the New Jersey Department of Environmental Protection (NJDEP) Bureau of Underground Storage Tanks (BUST) for review and closure approval. Upon receipt of approval from the NJDEP, closure activities will be scheduled to proceed.

1.3 Underground Storage Tank Cleaning Services

Active will provide the necessary equipment and confined space entry personnel to perform tank entry and cleaning operations for two (2) 4,000-gallon capacity USTs containing gasoline. Active assumes that all other required contracting activities (ie. pump & pad demolition & disposal, excavation, backfilling, site restoration, tank closure permits, etc.) will be completed by others. Additionally, Active assumes that the top of the USTs will be excavated and exposed prior to Active's arrival on site.

Bulk liquids will be removed from the tank by Active via vacuum truck prior to any tank excavation or work activities. After all bulk liquids have been removed, the tanks will be inerted with Nitrogen and purged of petroleum vapors. Continuous atmosphere monitoring of the tanks will be performed for flammable vapors and Oxygen content. If no flammable vapors are present and tank atmosphere contains sufficient Oxygen, the tanks will be entered and cleaned. Cleaning will consist of wiping, squeegeeing, and removing all liquids and sludges from the tanks. All liquids and sludges generated as a result of the tank cleaning process will be placed into a vacuum truck. Active estimates that a total of 250 gallons of liquids will be removed as a result of the cleaning process. *Portal to portal vacuum truck time and liquid disposal will be invoiced on a unit cost basis as per the rates outlined under the cost section of this proposal.*

1.4 Underground Storage Tank Closure Consulting Oversight & Sampling

Active shall provide a project manager on-site to observe and document the tank closure activities. The documentation obtained will be utilized at a later date and included in the Underground Storage Tank Closure and Site Assessment Report which will be submitted to the NJDEP

As the tank closure activities proceed, the project manager/New Jersey Department of Environmental Protection (NJDEP) Licensed Subsurface Evaluator will inspect and photo-document the condition of the tanks and piping as they are removed from the ground, inspect and photo-document the excavation, and field screen the soils in the excavation using a Photo-ionization detector, (PID). Standard manufacturers' listed degree of sensitivity of this type of equipment is approximately one part per million (ppm). Screening of the soils will be performed by filling laboratory cleaned glass jars halfway with a soil sample and sealing the jars with aluminum foil. Instrument readings will be taken by inserting the PID probe through the foil into the headspace after a five to ten minute volatilization period.

Confirmatory soil samples will be collected from the tank excavation and along the piping run. Each of the soil samples collected will be placed in glass containers prepared by a State of New Jersey certified laboratory. The containers will be sealed and placed on cold packs in a cooler maintained at 4°C. All samples collected from the site will be logged on a chain of custody before leaving the site. The chain of custody will remain with the samples until their release to the laboratory for analysis. The post-excavation soil samples collected along the borders of the resulting excavation will be analyzed for volatile organics with a library search for ten target compounds (VOA+10) by EPA Method 8260 and Lead pursuant to N.J.A.C. 7:26 E.

1.5 Report Preparation

Upon completion of the tank closure activities and upon receipt and review of all documents and analytical data related to the work activities, Active will prepare the Underground Storage Tank Closure and Site Assessment Report for submission to the New Jersey Department of Environmental Protection for review. The report will detail all tank closure activities performed and associated laboratory analytical data. This document will be developed around the guidelines and requirements of the NJDEP. Additionally, Active will prepare a revised "Underground Storage Tank Facility Questionnaire" for inclusion with the report. This form will be necessary for NJDEP to close their files concerning tank registration.

The lump sum price provided by Active for completion of the Underground Storage Tank Closure and Site Assessment Report includes printing of three copies of the report. (One copy to the client/property owner, one copy to the NJDEP case worker and one copy for Active's use.) At the request of the client, additional copies of the report may be obtained for the additional cost of \$0.12 per page plus assembly expenses and mailing costs. Active's standard mailing classification for reports is listed as bound printed matter.

1.6 Miscellaneous Consulting Services

Active shall provide a project manager for discussions and / or meetings with the NJDEP and or the client / client's representative as required. Any other consulting services beyond those identified within the Scope of Work shall also be provided at the unit rates quoted as required.

2.0 Project Costs as broken down by sections

The prices quoted are for conducting the services described and presented in the preceding sections of this proposal. These costs are meant to reflect the total costs for the performance of the scope of work as described in the body of the proposal. Invoices will be based upon actual time/units required for completion for those tasks/items where time/unit prices are noted, therefore *total projects costs may be slightly greater than or less than the estimated project total noted.*

Section 1.2 Closure Document Preparation

Project Manager @ \$65.00/hour x estimated 2 hrs	\$130.00
Secretarial/Clerical @ \$26.00/hr x estimated 1 hr	\$26.00

Section 1.3 Underground Storage Tank Cleaning Services

Field Supervisor @ \$65.00/hour x estimated 8 hours	\$520.00
Field Technicians @ \$35.00/hr/man x estimated 3 men @ 8 hrs/man	\$840.00
UST Services Tool & Equipment Trailer @ \$650.00/day x estimated 1 day	\$650.00
Air Compressor @ \$70.00/day x estimated 1 day	\$70.00
Service Vehicles @ \$75.00/day/each x 2 vehicles x estimated 1 day	\$150.00
Vacuum Truck & Operator (portal to portal) @ \$85.00/hrs x estimated 8 hrs	\$680.00
Disposal of Gasoline / Gasoline & Water @ \$0.95/gallon x estimated 250 gallons	\$237.50

Section 1.4 Underground Storage Tank Closure Consulting Oversight & Sampling	
Project Manager (One 8 hour day @ \$65.00 per hour, portal to portal).....	\$520.00
PID On Site (1 day).....	\$100.00
Support Vehicle (1 day)	\$75.00
VOA Soil Analysis Prep Kits (16 kits @ \$15.00 each).....	\$240.00
VOA+10 & Lead Soil Sample Analysis @ \$195.00 each x estimated 16 samples	\$3,120.00
Laboratory Courier Service @ \$25.00/event x estimated 1 event	\$25.00

Section 1.5 Report Preparation

Senior Project Manager for Review/Revision @ \$75.00/hr x estimated 3 hrs	\$225.00
Project Manager for Report/Facility Questionnaire Prep @ \$65.00/hr x est 10 hrs	\$650.00
Draftsman for Site Map/Site Plan/Sampling Plan Prep @ \$50.00/hr x est 5 hrs	\$250.00
Secretarial/Clerical @ \$26.00/hr x estimated 3 hrs	\$78.00

Section 1.6 Miscellaneous Consulting Services (as needed)

Senior Project Manager (billed in minimum 0.25 hour increments) @ \$75.00/hour	*****
Project Manager (billed in minimum 0.25 hour increments) @ \$65.00/hour	*****
Draftsman (billed in minimum 0.25 hour increments) @ \$50.00/hour	*****
Secretarial (billed in minimum 0.25 hour increments) @ \$26.00/hour	*****
Support Vehicles (billed in minimum 0.5 day increments) @ \$75.00/Day	*****
Photocopies @ \$0.12 per page.....	*****
Postage & Delivery (as required).....	*****
Miscellaneous Other Expenses @ cost + 20%	*****

ESTIMATED PROJECT TOTAL: \$8,586.50

3.0 Terms & Conditions**3.1 General**

- 1 Active Environmental Technologies, Inc. (AET) and the customer agree and understand that all work activities shall comply with all Federal, State, and local laws and regulations pursuant to the execution of any identified services as described herein.
- 2 This proposal is based upon Federal, State, and local regulations presently in effect. Should the Federal, State or local government revise the relevant regulations, AET reserves the right to amend its proposal.
- 3 AET assumes that there is free and clear access to the site. Client will be responsible for ensuring ample room for safe working conditions.
- 4 AET assumes that all required contracting activities; including but not limited to, pump & pad demolition & disposal, excavation, backfilling, site restoration, tank closure permits, etc. will be completed by others.
- 5 AET assumes that the top of the USTs will be excavated and exposed prior to Active's arrival on site.
- 6 AET assumes that any existing underground utility lines are not installed or located in such a manner as to obstruct work activities.
- 7 Although AET will make every effort to protect any existing underground utilities or structures, AET will not be held liable for any damage done to underground utilities or structures, or replacement of the same.

Proposal for Consulting Services for Tank Closure
 Char-Lee Tydol Service Center
 AET Proposal #8458

- 8 This proposal is based upon eight-hour (8 hr.) work days for completion of scope of work. Any delays in AET's project schedule and completion caused by the Client or the Client's subcontractors shall be considered waiting time and will result in additional charges per man, per hour.
- 9 The Client shall be responsible for site security throughout the duration of the project.
- 10 AET will not be held liable for any claims above AET's insurance policy thresholds.
- 11 AET is not responsible for the accuracy or validity of information obtained from others and utilized in the services covered under this proposal.
- 12 In the event that the project is sold or transferred while a balance remains due to AET, the Client agrees to direct the settlement attorney to notify AET of the date and place of the settlement, and the Client hereby authorizes and instructs said settlement attorney to withhold from the funds arising out of said sale or transfer, sufficient funds to pay said balance due directly to AET immediately upon settlement.
- 13 The Client hereby acknowledges that the Consultant/Contractor has neither created nor contributed to the creation or existence of any hazardous, radioactive, toxic irritant, pollutant, or otherwise dangerous substance, waste, or condition with the potential risk of injury or loss that may be caused by exposure to such substances.
- 14 AET will provide and submit all pertinent documentation to the client upon receipt of final payment.
- 15 This proposal is subject to the attached indemnity, indemnification, and limitation of liability.
- 16 All test results, laboratory analysis, and copies thereof remaining in AET's possession are the property of AET and subject to its sole discretionary control. AET reserves all of its rights in any test results, laboratory analysis, and copies thereof furnished to Client or to others and may preserve its rights under Federal Copyright law. Any further use of this data is subject to separate renegotiation and fee.
- 17 In the event that the Client requests termination of the work prior to the completion of the contract, AET reserves the right to complete such analysis and records as are necessary to place its files in order and where considered by it necessary to protect its professional reputation, to complete a report on the work performed to date.
- 18 Client shall be responsible to pay to AET interest on any overdue balance at a monthly rate of one and one-half percent (1.5%) or the maximum rate allowable under applicable law, whichever is less, until paid in full. Payment shall be first applied to accrued interest, if any, and then to the overdue balance.
- 19 AET shall not be liable or responsible for damages or delays in performance caused by (but not limited to) unusual weather conditions, fires, floods, epidemics, war, riots, strikes, lockouts, government action or failure to act, industrial disturbances, inability with reasonable diligence to supply personnel, equipment, or materials to the project, delays or damage during shipment or any other condition beyond AET's control. Any such delays shall in no event excuse Client from paying amounts owed for services performed prior to the occurrence of the delay.
- 20 The invalidity or unenforceability of any provision or term shall not affect in any way the remainder of the provisions or terms of this agreement.
- 21 Either Client or AET may terminate this agreement at any time by sending to the other a written notice of termination. Upon termination, AET shall invoice Client for Services performed and charges incurred prior to termination, plus termination charges for bringing ongoing Services to a reasonable stopping place, which Invoice shall be paid upon receipt of invoice by Client.
- 22 All liabilities and obligations of Client under this agreement shall survive the performance, termination and/or expiration of this Agreement.

3.2 Waste Disposal

1. This proposal is based on the waste materials being the same as identified. Any variation of the waste material may change the scope of work and affect the pricing as identified.
2. All materials shall be inspected and/or analyzed at the facility for acceptance prior to disposal. Any off-spec charges incurred at the facility shall be passed along to the Client.
3. AST shall provide the necessary shipping documentation for removal of waste materials.
4. The Client shall provide an authorized representative to sign all related shipping documents as required on or before commencement of service.
5. Disposal certificates will be furnished to the generator upon final payment of disposal cost.
6. Soil disposal pricing is based on a 20% maximum moisture content. An additional charge of \$2.00/ton will be charged for material in excess of 20% moisture.
7. Soil disposal transportation rates are based upon a minimum of 22 tons per load. Transportation fees for loads less than 22 tons will be invoiced at the rate of \$14.00 per ton for the difference in tonnage.
8. Nothing contained within this agreement shall be construed or interpreted as requiring Active Environmental Technologies, Inc. to assume the status of a generator, storer, treater, or disposal facility as those terms appear within RCRA or within any Federal, State, or local government statute or regulation governing the generation, treatment, storage, and disposal of pollutants or waste products.

4.0 Indemnity

Client agrees to hold harmless and defend Consultant/Contractor, its employees, agents, and subcontractors from and against any and all loss, liability, and cost (including, but not limited to, attorney's fees and expenses), which any such person may incur, become responsible for or pay out as a result of a suit or claim by any third party (including without limitation employees, agents, and subcontractors of Client) for damages against any such person alleging exposure to or damage from material, elements, or constituents at or from the project or site before, during, or after the services provided to this agreement, which is alleged to have resulted in or caused disease or any adverse health condition to any third party or resulted in cost for remedial action, uninhabitability of property, or other property damage, unless caused by the negligence, gross negligence, or intentional misconduct of Consultant/Contractor or any of them arising out of a strict liability form.

The Consultant/Contractor shall hold harmless and indemnify the Client from any claims, demands, or liabilities for injury to or death of personnel, and damage to third party property, arising out of the negligent acts or omissions of the Consultant/Contractor, its officers, agents, or employees. However, nothing herein shall be construed to mean that the Consultant/Contractor shall hold harmless and indemnify the Client from any claims, demands, or liabilities arising out of any acts or omissions of the Client, its officers, agents, or employees.

5.0 Indemnification

Client shall indemnify and hold Consultant/Contractor, its employees, agents, subcontractors, and consultants harmless from all claims, losses, personal injuries, death, and property liability resulting from damage or injury to subterranean structures (pipes, tanks, telephone cables, etc.) arising from the performance of the services when the existence and/or accurate location of such are not made known by Client to the Consultant/Contractor, its employees, agents, subcontractors, and consultants or from Client's failure to provide right of entry onto the site and permission to perform services.

Client hereby acknowledges that the Consultant/Contractor has neither created nor contributed to the creation or existence of any hazardous, radioactive, toxic irritant, pollutant, or otherwise dangerous substance, waste, or condition with the potential risk of injury or loss that may be caused by exposure to such substances.

Client warrants that all information provided to Consultant regarding the project and site is complete and accurate to the best of the Client's knowledge.

6.0 Limitations of Liability

The remedies of the Client set forth herein are exclusive, and the total liability of the Consultant/Contractor with respect to this Agreement and services furnished, shall not exceed the purchase price of the work upon which such liability is based.

The Consultant/Contractor and its subcontractors and consultants shall in no event be liable to the Client, any successors in interest, or any beneficiary or assignee of this contract for any consequential, incidental, indirect, special or punitive damages arising out of this Agreement or any breach thereof, whether based upon loss of use, lost profits or revenue, or interest whether or not such loss or damage is based on contract, warranty, negligence, indemnity, or otherwise.

7.0 Payment

Invoices will be submitted upon completion of each phase of the project. Any additional charges will be invoiced as completed.

Payment Terms are NET 10 days from date of invoice. Interest 1½% per month (but not exceeding the maximum rate allowable by law) will be payable on any amount not paid within 30 days, payment thereafter to be applied first, to accrued interest and then to the principal unpaid amount. Any attorney's fees or other costs in collecting any delinquent amount shall be paid by the client.

This price will remain in effect for twenty (20) days from the date of this proposal. After this time Active Environmental Technologies, Inc. will have the right to revise this proposal.

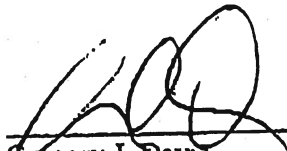
8.0 Acceptance of Contract

This proposal was signed and agreed upon on this _____ day of _____, 20 _____.

Sincerely,

Active Environmental Technologies, Inc.

Char-Lee Tydol Service Center



Gregory J. Davis
Senior Project Manager

Authorized Signature

(Print Name & Title)

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Active



Environmental Technologies Inc.

ENVIRONMENTAL PROTECTION
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DECA-WATER COMPLI. BR

April 6, 2005

Rebecca Jamison
USEPA Region II
20th Floor
290 Broadway
New York, NY 10007-1866

Re: Status Update Regarding Tank Closure Activities
Charlie & Son Servicer
1503 Haddon Avenue
City of Camden
Camden County, New Jersey
Facility ID: 195048
TMS #: N03-2240
Closure Approval #: UCL030001

Dear Ms. Jamison:

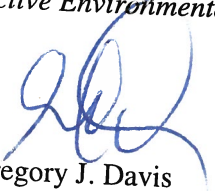
Please be advised that Active Environmental Technologies, Inc. (Active) completed a geophysical investigation at the above referenced site on January 12, 2005 pursuant to the proposal and funding authorized by the New Jersey Department of Environmental Protection (NJDEP) Bureau of Contract & Fund Management and the New Jersey Economic Development Authority. As anticipated, the geophysical investigation indicated that three (3) additional previously unidentified underground storage tanks are present at the site. As a result of this information, Active has prepared a revised proposal which reflects the changes in the scope of work and submitted this information to the NJDEP for review and funding approval. For your convenience, a copy of the referenced revised proposal and a copy of the correspondence to the NJDEP is attached for your review.

As it would not be cost effective and as Active has not proposed to complete the tank closure activities in multiple mobilizations, no further work activities will commence until additional funding has been authorized by the NJDEP. We shall advise you accordingly as new developments occur related to this site.

In the event that you have any questions or require additional information, please feel free to contact my office.

Sincerely,

Active Environmental Technologies, Inc.



Gregory J. Davis
Senior Project Manager

TECHTRACT®
Environmental Extraction Technologies

April 6, 2005

Catherine Schneble
New Jersey Department of Environmental Protection
Bureau of Contract & Fund Management
P.O. Box 413
Trenton, New Jersey 08625-0413

Re: Revised Proposal for Tank Closure Consulting & Contracting Services
Charlie & Son Servicenter
1503 Haddon Avenue
City of Camden
Camden County, New Jersey
Facility ID: 195048
TMS #: N03-2240
Closure Approval #: UCL030001

Dear Ms. Schneble:

A geophysical investigation was conducted on January 12, 2005 at the above referenced site pursuant to applicable portion of approved proposal # 8624. The results of the geophysical investigation indicated the presence of three (3) additional Underground Storage Tanks (USTs) at the subject site and that one of the known gasoline UST and the known waste oil UST were respectively smaller and large in capacity than originally anticipated. As such, Active Environmental Technologies, Inc. (Active) has revised our proposal in its entirety to address the changes in the scope of work accordingly.

To briefly summarize, our client received notification that a total fund amount of \$34,389.00 was available pursuant to the NJDEP's review of Active's proposal numbers 8623 and 8624. The total revised costs are estimated at \$64,345.00 and encompass the original scope of work, with the exception of the geophysical investigation, and the necessary labor, equipment, and materials required to address the changes from the original scope of work. As a result, Active estimates that additional funding in the amount of \$27,456.00 (revised budget of \$64,345.00 minus approved funding amount of \$34,389.00 minus \$2,500.00 for completed geophysical investigation)

As the facility is currently not in compliance and as the USEPA is paying close attention to this project, we wish to expedite the initiation of tank closure activities as soon as possible upon receipt of final funding approval. As such, your expedited response is greatly appreciated.

TECHTRACT®

Environmental Extraction Technologies

Catherine Schneble
New Jersey Department of Environmental Protection
Bureau of Contract & Fund Management
April 6, 2005

Charlie & Son Servicer
1503 Haddon Avenue
City of Camden, Camden County
Page 2

In the event that you have any questions or require additional information, please feel free to contact my office.

Sincerely,

Active Environmental Technologies, Inc.



Gregory J. Davis
Senior Project Manager

Enclosures

Cc: Mr. Charles Chomirzewski – Charlie & Son Servicer
Ms. Rebecca Jamison – USEPA Region II

April 4, 2005

Mr. Charles Chomirzewski
Charlie & Son Servicenter
1503 Haddon Avenue
Camden, New Jersey 08103

AET Proposal #8624-R1

Re: Revised Proposal for Tank Closure Consulting & Contracting Services
Charlie & Son Servicenter
1503 Haddon Avenue
City of Camden
Camden County, New Jersey
Facility ID: 195048
TMS #: N03-2240
Closure Approval #: UCL030001

Dear Mr. Chomirzewski:

Pursuant to the discovery of a discrepancy in the size of the known existing and the discovery of three (3) additional Underground Storage Tanks (USTs) at your property as a result of the Ground Penetrating Radar (GPR) survey conducted on January 12, 2005, Active Environmental Technologies, Inc. (Active) is providing you with the following revised proposal. Additionally, please be advised that a copy of this revised proposal will be forwarded to Catherine Schneble at the New Jersey Department of Environmental Protection, Bureau of Contract & Fund Management.

1.0 Scope of Work

1.1 General

Based upon prior site inspections and new information obtained as a result of the GPR survey conducted on January 12, 2005, Active has revised the Scope of Work to include the following tasks:

- Tank Registration Document Preparation
- Closure Document Preparation
- Underground Storage Tank Cleaning Services
- Underground Storage Tank Closure Consulting Oversight & Sampling
- Report Preparation
- Miscellaneous Consulting Services

The Scope of Work presented herein is based upon the assumption no reportable discharge requiring remedial action has occurred from the Underground Storage Tanks. In the event that a discharge is discovered at the time of the closure activities, the Scope of Work may need to be revised. Any additional services beyond those identified within this proposal will be based upon the unit rates quoted herein and performed under a change order and/or separate contract executed by Active and the client.

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1.2 Revised Tank Registration Preparation

Prior to the commencement of any Underground Storage Tank (UST) closure activities, Active will prepare a revised "Underground Storage Tank Facility Questionnaire" form to the extent possible, which reflects the corrected size and number of USTs as determined by the GPR survey. Once completed to the extent possible, Active will forward the form to the client for final completion & signature. Upon final completion, the client shall be responsible to submit the form to the New Jersey Department of Environmental Protection (NJDEP) Bureau of Underground Storage Tanks (BUST) for processing. *Please be advised that all fees for tank registration will be the responsibility of others and may be submitted to the NJDEP along with the completed tank registration document in the form of a check made payable to "Treasurer, State of New Jersey". Furthermore, please be advised pursuant to N.J.A.C. 7:14B-3.1 and N.J.A.C. 7:14B-3.2(c), facility tank registration fees are calculated at the rate of \$100.00 per year retroactive to 1988 or the year of the tank installation.* Upon receipt of an Underground Storage Tank Registration Certificate from the NJDEP, tank closure documentation will be prepared as outlined under the following section of this proposal.

1.3 Closure Document Preparation

Prior to the commencement of any Underground Storage Tank (UST) closure activities, Active will prepare a revised "30-Day Notice of Intent to Close an Underground Storage Tank" form. The form will be submitted electronically to the New Jersey Department of Environmental Protection (NJDEP) Bureau of Underground Storage Tanks (BUST) for review and closure approval. Upon receipt of approval from the NJDEP, closure activities will be scheduled to proceed. *It should be noted that the NJDEP previously issued closure approval number UCL030001 on April 1, 2003 however, this approval has expired and does not currently reflect the correct tank information.*

1.4 Underground Storage Tank Closure Services

1.4.1 Underground Utility Mark Out

Before any tank closure activities can commence, a utility mark out will need to be performed. Active will call for an underground mark out through Garden State Underground Plant Location Service, Inc. Not all underground utilities are covered by this service. Also, utility mark outs do not include portions of service lines that are the owner's responsibility to maintain. It is the responsibility of the property owner to identify all underground utilities prior to the commencement of work. Once notified, if there are public utilities in the area of excavation, the utilities will mark their lines.

1.4.2 Tank Excavation, Cleaning, Removal, & Disposal Services

Active will provide the necessary labor, equipment and materials to perform closure services for the following tanks:

<i>ID #</i>	<i>Capacity</i>	<i>Product</i>
T-1	4,000 Nominal Storage Gallons	Unleaded Gasoline
T-2	2,500 Nominal Storage Gallons	Unleaded Gasoline
T-3	1,500 Nominal Storage Gallons	Waste Oil
T-4	500 Nominal Storage Gallons	Leaded Gasoline
T-5	1,100 Nominal Storage Gallons	Leaded Gasoline
T-6	1,100 Nominal Storage Gallons	Leaded Gasoline

A copy of the site plan noting the location of the USTs has been included as an attachment to this proposal.

Prior to the commencement of any work activities, the tanks will be inspected for bulk liquids and all bulk liquids will be removed. Liquids will be removed from the USTs via vacuum truck and transported to an approved facility for disposal. This task accomplished, Active will begin the closure activities by breaking, removing, and disposing the concrete overlying the USTs and associated piping runs and removing the pump islands. Once concrete removal and disposal has been accomplished, overburden soils will be removed and staged adjacent to the excavation to allow access to the USTs. The tanks will be inerted with Nitrogen and purged of petroleum vapors. Continuous atmosphere monitoring of the tanks will be performed for flammable/combustible vapors and Oxygen content. If no flammable/combustible vapors are present and tank atmospheres contain sufficient Oxygen, the tanks will be entered and cleaned. Cleaning will consist of wiping, squeegeeing, and removing all liquids and sludges from the tanks. All liquids and sludges generated as a result of the tank cleaning process will be placed into a vacuum truck. Active estimates that a total of 1,500 gallons of liquids will be removed from the waste oil UST as a result of the cleaning process. Additionally, Active estimates that a total of 3,000 gallons of liquids and four (4) drums of flammable solids will be removed from the gasoline USTs as a result of the cleaning process. *Portal to portal vacuum truck time and liquid disposal will be invoiced on a unit cost basis as per the rates outlined under the cost section of this proposal.*

Once the tank cleaning operations have been completed, the tanks will be removed in their entirety from the excavation. The tanks will be rendered unfit for reuse and transported to an approved facility for recycling. Upon completion of required soil sampling activities as described below, the excavations will be backfilled with certified clean fill material to within six inches of existing grade. The remainder of the disturbed area will be repaired with concrete in order to provide a stable surface on which jacks can be placed to work on vehicles.

1.5 Underground Storage Tank Closure Consulting Oversight & Sampling

Active shall provide a project manager on-site to observe and document the tank closure activities. The documentation obtained will be utilized at a later date and included in the Underground Storage Tank Closure and Site Assessment Report required to be submitted to the NJDEP.

As the tank closure activities proceed, the project manager will inspect and photo-document the condition of the tanks and piping as they are removed from the ground, inspect and photo-document the excavation, and field screen the soils in the excavation using a Photo-ionization detector, (PID). Standard manufacturers' listed degree of sensitivity of this type of equipment is approximately one part per million (ppm). Screening of the soils will be performed by filling laboratory cleaned glass jars halfway with a soil sample and sealing the jars with aluminum foil. Instrument readings will be taken by inserting the PID probe through the foil into the headspace after a five to ten minute volatilization period.

Confirmatory soil samples will be collected from the tank excavation and along the piping run. *For the purposes of this proposal Active assumes that the piping run for the tanks does not exceed eighty feet (80') in length.* Each of the soil samples collected will be placed in glass containers prepared by a State of New Jersey certified laboratory. The containers will be sealed and placed on cold packs in a cooler maintained at 4°C. All samples collected from the site will be logged on a chain of custody before leaving the site. The chain of custody will remain with the samples until their release to the laboratory for analysis. The post-excavation soil samples collected from the excavation along the former centerline of the tank invert and excavation sidewalls for the gasoline tank will be analyzed for volatile organics with a library search for ten target compounds (VOA+10) by EPA Method 8260 and Lead pursuant to N.J.A.C. 7:26E. The post-excavation soil samples collected from the excavation along the former centerline of the tank invert and excavation sidewalls for the heating oil tank will be analyzed for Total Petroleum Hydrocarbon Content (TPHC) by EPA Method 418.1. In

the event that the analytical data indicates a TPHC concentration in excess of the NJDEP soil clean up criteria threshold limit of 1,000 parts per million (ppm) in any of the soil samples collected from the heating oil tank excavation, twenty-five percent (25%) of the soil samples will be additionally analyzed for VOA+10 by EPA Method 8260 pursuant to N.J.A.C. 7:26E

1.6 Report Preparation

Upon completion of the tank closure activities and upon receipt and review of all documents and analytical data related to the work activities, Active will prepare the Underground Storage Tank Closure and Site Assessment Report for submission to the New Jersey Department of Environmental Protection for review. The report will detail all tank closure activities performed and associated laboratory analytical data. This document will be developed around the guidelines and requirements of the NJDEP. Additionally, Active will prepare a revised "Underground Storage Tank Facility Questionnaire" for inclusion with the report. This form will be necessary for NJDEP to close their files concerning tank registration.

The lump sum price provided by Active for completion of the Underground Storage Tank Closure and Site Assessment Report includes printing of three (3) copies of the report. (One copy to the client/property owner, one copy to the NJDEP case worker and one copy for Active's use.) At the request of the client, additional copies of the report may be obtained for the additional cost of \$0.12 per page plus assembly expenses and mailing costs. Active's standard mailing classification for reports is listed as bound printed matter.

1.7 Miscellaneous Consulting Services

Active shall provide a project manager for discussions and/or meetings with the NJDEP and or the client/client's representative as required. Any other consulting services beyond those identified within the Scope of Work shall also be provided at the unit rates quoted as required.

2.0 Project Costs as broken down by sections

The prices quoted are for conducting the services described and presented in the preceding sections of this proposal. These costs are meant to reflect the total costs for the performance of the scope of work as described in the body of the proposal. Invoices will be based upon actual time/units required for completion for those tasks/items where time/unit prices are noted, therefore *total projects costs may be slightly greater than or less than the estimated project total noted.*

Section 1.2 Tank Registration Document Preparation

Project Manager @ \$75.00/hour x estimated 2 hrs.....	\$150.00
Secretarial/Clerical @ \$28.00/hr x estimated 1 hr.....	\$28.00
Subtotal: ... \$178.00	

Section 1.3 Closure Document Preparation

Project Manager @ \$75.00/hour x estimated 2 hrs.....	\$150.00
Secretarial/Clerical @ \$28.00/hr x estimated 1 hr.....	\$28.00
Subtotal: ... \$178.00	

Section 1.4.1 Underground Utility Mark Out

Project Manager to prepare/document utility mark out	\$50.00 Lump Sum
Subtotal: ... \$50.00	

Section 1.4.2 Tank Excavation, Cleaning, Removal, & Disposal Services

Field Supervisor @ \$65.00/hour x estimated 75 hrs.....	\$4,875.00
Equipment Operator/Foreman @ \$55.00/hour x estimated 75 hrs	\$4,125.00
Equipment Operator @ \$45.00/hour x estimated 75 hrs	\$3,375.00
Field Technicians @ \$40.00/hr/man x estimated 2 men @ 80 hrs/man	\$6,400.00
UST Services Tool & Equipment Trailer @ \$295.00/day x 7 days	\$2,065.00
BobCat® Skid Steer @ \$295.00/day x estimated 7 days	\$2,065.00
BobCat® Breaker Attachment @ \$195.00/day x estimated 2 days.....	\$390.00
BobCat® Grapple Bucket Attachment @ \$165.00/day x estimated 6 days	\$990.00
Excavator @ \$750.00/day x estimated 6 days	\$4,500.00
Excavator Mobilization/Demobilization Fees @ \$300.00/event x 1 event	\$300.00
Air Compressor & Pneumatic Ripper @ \$125.00/day x 3 days	\$375.00
Confined Space Entry Specialty Safety Equipment @ \$145.00/day x 3 days.....	\$435.00
Combustible Gas Indicator Meter @ \$75.00/day x 3 days.....	\$225.00
Service Vehicles @ \$100.00/day/each x 3 vehicles x 7 days	\$2,100.00
Concrete Disposal @ \$425.00 per 20 Cu Yd roll off x estimated 8 cans	\$3,400.00
Tank Disposal Fees.....	\$550.00 Lump Sum
Certified Clean Fill @ \$14.00/ton x estimated 88 tons	\$1,232.00
DOT 17-H 55 Gallon Drums @ \$45.00/each x estimated 4 drums.....	\$180.00
Vacuum Truck & Operator (portal to portal) @ \$95.00/hr x estimated 20 hrs	\$1,900.00
Disposal of Bulk Gasoline/ Gas & Water @ \$0.95/gallon x estimated 3,000 gallons	\$2,850.00
Disposal of Bulk Waste Oil @ \$0.95/gallon x estimated 1,500 gallons.....	\$1,425.00
Transportation & Disposal of Flammable Solids @ \$695.00/drum x estimated 4 drums	\$2,780.00
Disposal Facility QA/QC Fee (drums) @ \$195.00/event x estimated 1 event	\$195.00
Concrete Forms, Rebar, Epoxy & Set Up.....	\$950.00 Lump Sum
Concrete Replacement (estimated 20 yards)	\$3,300.00
Concrete Finishing Labor @ \$40.00/hr/man x estimated 3 men @ 8 hrs/man.....	\$960.00
Subtotal: ... \$51,942.00	

Section 1.5 Underground Storage Tank Closure Consulting Oversight & Sampling

Project Manager @ \$75.00 per hour, portal to portal x estimated 32 hrs.....	\$2,400.00
MiniRae 2000® Photo-Ionization Detector @ \$125.00/day x estimated 3 days.....	\$375.00
Field Sampling Vehicle @ \$100.00/day x estimated 4 day	\$400.00
VOA+10 & Lead Soil Sample Analysis (Gas USTs & assumed 80' of piping) @ \$195.00/each x est 29 samples	\$5,655.00
Methanol Soil Sample Preservation Kits @ \$18.00/each x 29 kits	\$522.00
TPHC Soil Sample Analysis (Waste Oil UST) @ \$85.00/each x estimated 4 samples	\$340.00
Additional VOA+10, BN+15, PCB's & PP Metals Soil Sample Analysis (Waste Oil UST) @ \$735.00/each x estimated 1 sample (if required).....	\$725.00
Methanol Soil Sample Preservation Kit (Waste Oil UST) @ \$18.00/each x 1 kit	\$18.00
Electronic Scale @ \$25.00/day x 3 days	\$75.00
Laboratory Courier Service @ \$25.00/event x 2 events.....	\$50.00
NJDEP Electronic Data Submission Disk @ \$15.00/each	\$15.00
Subtotal: ... \$10,575.00	

Section 1.6 Report Preparation

Senior Project Manager for Review/Revision @ \$95.00/hr x estimated 3 hrs	\$285.00
Project Manager for Report/Facility Questionnaire Prep @ \$75.00/hr x est 10 hrs	\$750.00

Draftsman for Site Map/Site Plan/Sampling Plan Prep @ \$55.00/hr x est 5 hrs.....	\$275.00
Secretarial/Clerical @ \$28.00/hr x estimated 4 hrs	\$112.00
Subtotal: ... \$1,422.00	

Section 1.7 Miscellaneous Consulting Services (as needed)

Senior Project Manager (billed in minimum 0.25 hour increments) @ \$95.00/hour	*****
Project Manager (billed in minimum 0.25 hour increments) @ \$75.00/hour.....	*****
Draftsman (billed in minimum 0.25 hour increments) @ \$55.00/hour	*****
Secretarial (billed in minimum 0.25 hour increments) @ \$28.00/hour	*****
Field Sampling Vehicles (billed in minimum 0.5 day increments) @ \$100.00/Day	*****
Support Vehicles (billed in minimum 0.5 day increments) @ \$75.00/Day.....	*****
Photocopies @ \$0.12 per page	*****
Postage & Delivery (as required)	*****
Miscellaneous Other Expenses @ cost + 15%	*****

ESTIMATED PROJECT TOTAL: \$64,345.00

3.0 Terms & Conditions

3.1 General

1. Active Environmental Technologies, Inc. (AET) and the customer agree and understand that all work activities shall comply with all Federal, State, and local laws and regulations pursuant to the execution of any identified services as described herein.
2. This proposal is based upon Federal, State, and local regulations presently in effect. Should the Federal, State or local government revise the relevant regulations, AET reserves the right to amend its proposal.
3. AET assumes that there is free and clear access to the site. Client will be responsible for ensuring ample room for safe working conditions.
4. AET assumes that all required contracting activities; including but not limited to, pump & pad demolition & disposal, excavation, backfilling, site restoration, tank closure permits, etc. will be completed by others.
5. AET assumes that the top of the USTs will be excavated and exposed prior to Active's arrival on site.
6. AET assumes that any existing underground utility lines are not installed or located in such a manner as to obstruct work activities.
7. Although AET will make every effort to protect any existing underground utilities or structures, AET will not be held liable for any damage done to underground utilities or structures, or replacement of the same.
8. This proposal is based upon eight-hour (8 hr.) work days for completion of scope of work. Any delays in AET's project schedule and completion caused by the Client or the Client's subcontractors shall be considered waiting time and will result in additional charges per man, per hour.
9. The Client shall be responsible for site security throughout the duration of the project.
10. AET will not be held liable for any claims above AET's insurance policy thresholds.
11. AET is not responsible for the accuracy or validity of information obtained from others and utilized in the services covered under this proposal.

12. In the event that the project is sold or transferred while a balance remains due to AET, the Client agrees to direct the settlement attorney to notify AET of the date and place of the settlement, and the Client hereby authorizes and instructs said settlement attorney to withhold from the funds arising out of said sale or transfer, sufficient funds to pay said balance due directly to AET immediately upon settlement.
13. The Client hereby acknowledges that the Consultant/Contractor has neither created nor contributed to the creation or existence of any hazardous, radioactive, toxic irritant, pollutant, or otherwise dangerous substance, waste, or condition with the potential risk of injury or loss that may be caused by exposure to such substances.
14. AET will provide and submit all pertinent documentation to the client upon receipt of final payment.
15. This proposal is subject to the attached indemnity, indemnification, and limitation of liability.
16. All test results, laboratory analysis, and copies thereof remaining in AETs possession are the property of AET and subject to its sole discretionary control. AET reserves all of its rights in any test results, laboratory analysis, and copies thereof furnished to Client or to others and may preserve its rights under Federal Copyright law. Any further use of this data is subject to separate renegotiation and fee.
17. In the event that the Client requests termination of the work prior to the completion of the contract, AET reserves the right to complete such analysis and records as are necessary to place its files in order and where considered by it necessary to protect its professional reputation, to complete a report on the work performed to date.
18. Client shall be responsible to pay to AET interest on any overdue balance at a monthly rate of one and one-half percent (1.5%) or the maximum rate allowable under applicable law, whichever is less, until paid in full. Payment shall be first applied to accrued interest, if any, and then to the overdue balance.
19. AET shall not liable or responsible for damages or delays in performance caused by (but not limited to) unusual weather conditions, fires, floods, epidemics, war, riots, strikes, lockouts, government action or failure to act, industrial disturbances, inability with reasonable, diligence to supply personnel, equipment, or materials to the project, delays or damage during shipment or any other condition beyond AETs control. Any such delays shall in no event excuse Client from paying amounts owed for services performed prior to the occurrence of the delay.
20. The invalidity or unenforceability of any provision or term shall not affect in any way the remainder of the provisions or terms of this agreement.
21. Either Client or AET may terminate this agreement at any time by sending to the other a written notice of termination. Upon termination, AET, shall invoice Client for Services performed and charges incurred prior to termination, plus termination charges for bringing ongoing Services to a reasonable stopping place, which Invoice shall be paid upon receipt of invoice by Client.
22. All liabilities and obligations of Client under this agreement shall survive the performance, termination and/or expiration of this Agreement.

3.2 Waste Disposal

1. This proposal is based on the waste materials being the same as identified. Any variation of the waste material may change the scope of work and affect the pricing as identified.
2. All materials shall be inspected and/or analyzed at the facility for acceptance prior to disposal. Any off-spec charges incurred at the facility shall be passed along to the Client.
3. AST shall provide the necessary shipping documentation for removal of waste materials.
4. The Client shall provide an authorized representative to sign all related shipping documents as required on or before commencement of service.
5. Disposal certificates will be furnished to the generator upon final payment of disposal cost.
6. Soil disposal pricing is based on a 20% maximum moisture content. An additional charge of \$2.00/%/ton will be charged for material in excess of 20% moisture.

7. Soil disposal transportation rates are based upon a minimum of 22 tons per load. Transportation fees for loads less than 22 tons will be invoiced at the rate of \$14.00 per ton for the difference in tonnage.
8. Nothing contained within this agreement shall be construed or interpreted as requiring Active Environmental Technologies, Inc. to assume the status of a generator, storer, treater, or disposal facility as those terms appear within RCRA or within any Federal, State, or local government statute or regulation governing the generation, treatment, storage, and disposal of pollutants or waste products.

4.0 Indemnity

Client agrees to hold harmless and defend Consultant/Contractor, its employees, agents, and subcontractors from and against any and all loss, liability, and cost (including, but not limited to, attorney's fees and expenses), which any such person may incur, become responsible for or pay out as a result of a suit or claim by any third party (including without limitation employees, agents, and subcontractors of Client) for damages against any such person alleging exposure to or damage from material, elements, or constituents at or from the project or site before, during, or after the services provided to this agreement, which is alleged to have resulted in or caused disease or any adverse health condition to any third party or resulted in cost for remedial action, uninhabitability of property, or other property damage, unless caused by the negligence, gross negligence, or intentional misconduct of Consultant/Contractor or any of them arising out of a strict liability form.

The Consultant/Contractor shall hold harmless and indemnify the Client from any claims, demands, or liabilities for injury to or death of personnel, and damage to third party property, arising out of the negligent acts or omissions of the Consultant/Contractor, its officers, agents, or employees. However, nothing herein shall be construed to mean that the Consultant/Contractor shall hold harmless and indemnify the Client from any claims, demands, or liabilities arising out of any acts or omissions of the Client, its officers, agents, or employees.

5.0 Indemnification

Client shall indemnify and hold Consultant/Contractor, its employees, agents, subcontractors, and consultants harmless from all claims, losses, personal injuries, death, and property liability resulting from damage or injury to subterranean structures (pipes, tanks, telephone cables, etc.) arising from the performance of the services when the existence and/or accurate location of such are not made known by Client to the Consultant/Contractor, its employees, agents, subcontractors, and consultants or from Client's failure to provide right of entry onto the site and permission to perform services.

Client hereby acknowledges that the Consultant/Contractor has neither created nor contributed to the creation or existence of any hazardous, radioactive, toxic irritant, pollutant, or otherwise dangerous substance, waste, or condition with the potential risk of injury or loss that may be caused by exposure to such substances.

Client warrants that all information provided to Consultant regarding the project and site is complete and accurate to the best of the Client's knowledge.

6.0 Limitations of Liability

The remedies of the Client set forth herein are exclusive, and the total liability of the Consultant/Contractor with respect to this Agreement and services furnished, shall not exceed the purchase price of the work upon which such liability is based.

The Consultant/Contractor and its subcontractors and consultants shall in no event be liable to the Client, any successors in interest, or any beneficiary or assignee of this contract for any consequential, incidental, indirect, special or punitive damages arising out of this Agreement or any breach thereof, whether based upon loss of use, lost profits or revenue, or interest whether or not such loss or damage is based on contract, warranty, negligence, indemnity, or otherwise.

7.0 Payment

Invoices will be submitted upon completion of each phase of the project. Any additional charges will be invoiced as completed.

Payment Terms are NET 10 days from date of invoice. Interest 1½% per month (but not exceeding the maximum rate allowable by law) will be payable on any amount not paid within 30 days, payment thereafter to be applied first, to accrued interest and then to the principal unpaid amount. Any attorney's fees or other costs in collecting any delinquent amount shall be paid by the client.

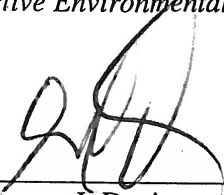
This price will remain in effect for twenty (20) days from the date of this proposal. After this time Active Environmental Technologies, Inc. will have the right to revise this proposal.

8.0 Acceptance of Contract

This proposal was signed and agreed upon on this _____ day of _____, 20_____.

Sincerely,

Active Environmental Technologies, Inc.



Gregory J. Davis
Senior Project Manager

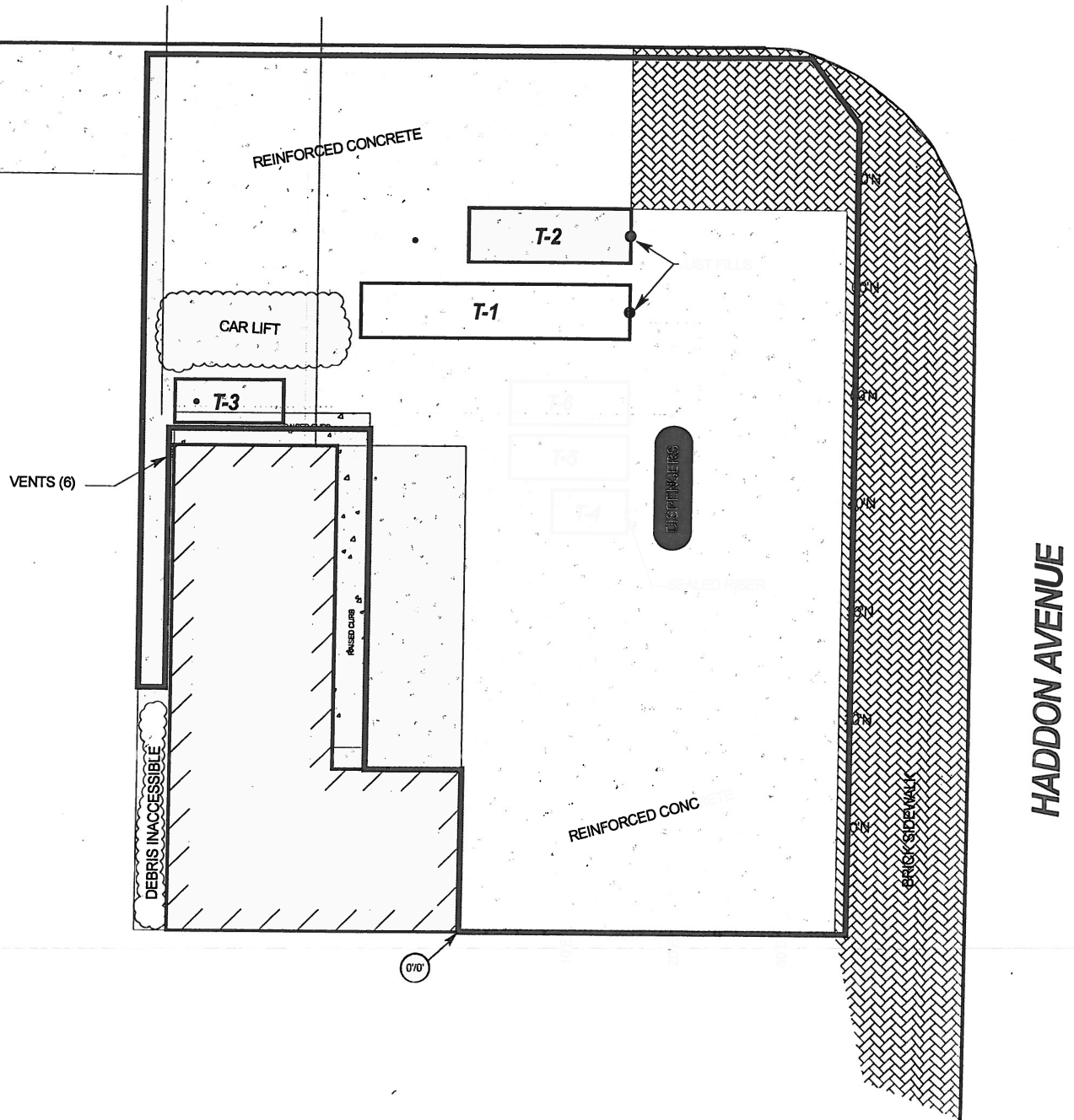
Charlie & Son Servicenter

Authorized Signature

(Print Name & Title)

Attachment A:
Tank Location Site Plan

CRESTMONT AVENUE



GROUND PENETRATING RADAR EVENT

Active 
Environmental Technologies, Inc.

40 High Street - Suite 100
Mount Holly, New Jersey 08060
(609) 702-1500

Charlie & Son Service Center, LLC
1503 Haddon Avenue
Camden, Camden County, New Jersey

FILE
Charlie & Son

DATE
01/24/05

DRAWN BY
JG & WMK

SCALE
1" = 10'

PROJECT NO.
3026

CHECKED BY DATE

DRAWING NO.
C-GPR
REV. NO.

SHEET 1 OF 1

3/23 - Greg Davis @ ACTIVE
- Sending NJ thin workplan. Have approval
to close, will send docs to EPA directly.
RJ returned call + gave address @ EPA.

8/10/04

Called Gregory Davis

8/19

Greg Davis - 609-702-1800
awaiting funds from NJ-@A
all other approvals received.

10/7/04 -

RS

msg left for Greg Davis

1/14/05 -

Email to Kizier - USTs removed?

(2)

Contractor: Greg Davis
Active Environmental Technologies
609-702-1500

- 3/8/04- Call w/ Greg Davis
- Have NJDEP Closure Approval
 - Thinks there more than they know based on vent pipes - wants to Geoprobe
 - Concerned about contamination

Speaking w/ NJDEP - USF final nuclear answer

6/26/03

Called lawyer - left msg on status of closure

3:24 lawyer called - will check w/ Charlie

(1)

7/8/03

Msg fr B. Zeidman - w/ Secretary

9/9/03 Called & spoke w/ BZ - documents coming tomorrow?
BZ - will check

9/19 & 9/22/03 - left msg for atty - Zeidman

3:22 - Bruce Zeidman called - Charlie to call
owed - contractor \$2k before breaking ground
needs to talk about this

9/22/03 3:30 - call from Charlie - needs assistance to pull -
will call Domenic Picone get app + call me
back

2/25/04 - R9 call to Zeidman - spoke w/ B.Z. + Charlie

2:05 p.m. - letter Dec 5, 2003 - Trish Conti - need further info
- called by Kathy took over claim - in touch w/ her yesterday
- called Greg Davis - Active to do work per proposal - he's
not responded to Conti's request

0



Greg Davis
<GDavis@active-env.com>

08/12/2005 04:23 PM

To Rebecca Jamison/R2/USEPA/US@EPA

cc CHill@njeda.com, Stuart.Friedman@dep.state.nj.us,
Trish.Conti@dep.state.nj.us

bcc

Subject RE: Charlie & Sons Service Center, Camden NJ - Facility
ID#195048

History:  This message has been forwarded.

Ms. Jamison,

Please be advised that Mr. Kizer is no longer with our firm and as such, I will be the contact for all future correspondence.

Regarding the status of Charlie & Son Servicenter, the tanks still have not been removed as of this date, nor is the removal currently scheduled as the property owner is still awaiting funding approval pursuant to the revised budget prepared by my firm, Active Environmental Technologies, Inc. dated April 4, 2005. As I am not sure as to the date on which the last status report was submitted to you, I am providing you with the following summary of work activities and correspondence from March 2003 to date.

March 23, 2004: Active submits proposals for Limited
Subsurface Investigation & Tank
Closure
& Contracting Services to NJDEP Bureau of Contract Management

June 14, 2004: Active receives copy of correspondence
from
NJDEP Bureau of Contract
Management (BCM)
indicating that the NJDEP has reviewed the UST
Fund grant application, that the project is eligible for funding
assistance in the amount of up to \$34,389.00 and that the application
has been transmitted to the New Jersey Economic Development Authority
(NJEDA) where it will undergo review to determine eligibility.

August 25, 2004: Active receives copy of correspondence
from NJEDA requesting that the
property owner
executes three copies of an enclosed Financial
Assistance Agreement and return two copies to the NJEDA.

Nov. 17, 2004: E-mail correspondence between Bill Kizer
& Trish
Conti related to approval of
additional
funds to cover costs of additional proposed
activities (limited subsurface investigation/soil borings)

December 3, 2004: Active receives copy of
correspondence
from NJDEP-BCM requesting a copy
of a signed
copy of the contract between Active & Charlie & Son.

Jan. 12, 2005: Active conducts a geophysical

investigation at the site and as a result, identifies three (3) additional USTs and prepares a revised proposal.

April 4, 2005: Active submits revised proposal to address additional USTs. Supplemental grant application submitted to NJDEP-BCM by Charlie & Son on 4/6/05.

June 3, 2005: Active receives correspondence from NJDEP-BCM indicating their receipt of the supplemental grant application and indicating that the application has been forwarded to the NJEDA where it will undergo financial review to determine eligibility and that the NJDEP has advised the NJEDA that in the event that this project is eligible for funding, assistance in the amount of \$26,950 should be provided.

As of the date of this correspondence, Active has not received copies of any correspondence indicating that NJEDA has completed their review process. At this point, while I am not convinced that the delays are caused by any specific individual and are purely related to the required review process by the governing authorities, I am compelled to express my frustration. Active originally proposed tank closure activities to the property owner in January of 2002, obtained closure approval from the NJDEP in April 2003, and obtained permits from the City of Camden for tank removal in October 2003. To date, Active has spent a significant and excessive amount of non-billable and non-recoverable time attempting to move this project forward for the benefit of all parties. Furthermore, as a result of the discovery of additional tanks at the site which apparently pre-date the 50 year ownership by our client it would be reasonable to assume that the probability that a discharge occurred is probable. While Active originally proposed a limited subsurface investigation to determine if contamination is present and thus prevent extended delays once again and the disruption of site operations to request and await additional funding approval, these items were denied approval under the June 14, 2004 proposed funding authorization by NJDEP.

At this point in time, we are thoroughly weary of pursuing this matter and intend to do so no further. To clarify, at such time as funding authorization is received from the NJEDA, Active will complete the work activities as proposed and approved. However, Active will no longer contact any parties in order to attempt to advance this project any further.

We anxiously await a response from our client indicating that NJEDA has approved additional funding.

Sincerely,

Gregory J. Davis
Senior Project Manager
Active Environmental Technologies, Inc.
(609) 702-1500 Phone
(609) 702-0265 Fax



"W. M. Kizer"
<bkizer@pics.com>

02/04/2005 04:40 PM

To: Rebecca Jamison/R2/USEPA/US@EPA, Trish.Conti@dep.state.nj.us,
CHill@njeda.com, gdavis@pics.com,
Stuart.Friedman@dep.state.nj.us

cc:

Subject: RE: Charlie & Sons Service Center, Camden NJ - Facility ID#195048

Hello Ms. Jamison:

As noted in the previous email, three additional Underground Storage Tanks (USTs) were discovered on the subject site during a Ground Penetrating Radar Survey. We are currently undergoing the process of registering the newly discovered USTs with the New Jersey Department of Environmental protection (NJDEP) and are submitting an addendum proposal to reflect the removal of a total of six USTs to the NJDEP for additional funding for the site.

Once we've firmed up the dates for the removal of the USTs on-site, or any other activities, we will notify you to keep you informed of the schedule. In the interim, if you should have any questions do not hesitate to contact either Greg Davis or myself at 609-702-1500.

Sincerely,

bill kizer

William M. Kizer
Project Manager
Active Environmental Technologies, Inc.
40 High Street, Suite 100
Mount Holly, New Jersey 08060
609-702-1500
609-702-0146, Ext 114 For Direct Dial
609-668-8436 Business Cellular

-----Original Message-----

From: Jamison.Rebecca@epamail.epa.gov
[mailto:Jamison.Rebecca@epamail.epa.gov]
Sent: Friday, February 04, 2005 3:56 PM
To: W. M. Kizer
Subject: Re:

Bill,

Just checking back . .did you pull all the USTs?

~~~~~  
Rebecca Jamison  
US EPA Region 2  
Division of Enforcement and Compliance Assistance  
Ground Water Compliance Section  
290 Broadway- 20th floor  
New York, NY 10007  
(212) 637-3948 (phone)  
(212) 637-4211 (fax)  
~~~~~



"W. M. Kizer"
<bkizer@pics.com>

01/14/2005 03:32 PM

To: Rebecca Jamison/R2/USEPA/US@EPA
cc:
Subject:

Hello Ms. Jamison, Happy New Year!

Preliminary activities have just occurred at the subject site involving the use of a Ground Penetrating Radar (GPR) unit on 01/12/05. We expect to have the official report within a two week period however, we received preliminary information that a total of six (6) underground storage tanks were discovered on the property. Three of the USTs we were already aware of. Upon our receipt of the final report of findings, Active will undergo the process of registering the additional tanks onsite and notifying the multiple departments involved with this project.

Once we've firmed up the dates for the removal of the USTs on-site, we will notify you to keep you informed of the on-going activities. In the interim, if you should have any questions do not hesitate to contact either Greg Davis or myself at 609-702-1500.

Sincerely,

bill kizer

William M. Kizer
Project Manager
Active Environmental Technologies, Inc.
40 High Street, Suite 100
Mount Holly, New Jersey 08060
609-702-1500
609-702-0146, Ext 114 For Direct Dial
609-668-8436 Business Cellular

-----Original Message-----

From: Jamison.Rebecca@epamail.epa.gov [<mailto:Jamison.Rebecca@epamail.epa.gov>]

Sent: Friday, January 14, 2005 1:21 PM

To: W. M. Kizer

Subject: RE: Charlie & Sons Service Center, Camden NJ - Facility ID#195048

Can you apprise me of the latest? Have the USTs been removed?

~~~~~

Rebecca Jamison

US EPA Region 2

Division of Enforcement and Compliance Assistance

Ground Water Compliance Section

290 Broadway- 20th floor

New York, NY 10007

(212) 637-3948 (phone)

(212) 637-4211 (fax)

~~~~~

"W. M. Kizer"

<bkizer@pics.com> To: "'W. M. Kizer'" <bkizer@pics.com>, "'Trish Conti'"

<Trish.Conti@dep.state.nj.us>

11/24/2004 08:35 cc: Stuart.Friedman@dep.state.nj.us, gdavis@pics.com,

AM Rebecca Jamison/R2/USEPA/US@EPA, CHill@njeda.com

Subject: RE: Charlie & Sons Service Center, Camden NJ -

Facility ID#195048

-----Original Message-----

From: W. M. Kizer [<mailto:bkizer@pics.com>]

Sent: Wednesday, November 17, 2004 5:45 PM

To: 'Trish Conti'

Cc: 'Stuart.Friedman@dep.state.nj.us'; 'gdavis@pics.com'; 'Jamison.Rebecca@epamail.epa.gov'; 'CHill@njeda.com'

Subject: RE: Charlie & Sons Service Center, Camden NJ - Facility ID#195048

Importance: High

I apologize if I was not clear in my request for further information. On 10/20/04 we spoke about the above referenced site, via a telephone conversation. I contacted you with a question regarding the disapproved items addressed in the 06/14/04 letter, which had recommended approval for \$34,389.00. The letter basically approves the contracting items needed to address the removal and closure of the known facility USTs and the use of a Ground Penetrating Radar (GPR) device to locate any additional and/or undocumented buried USTs however, it has nullified the consulting items needed to: get to the site, supervise, field screen, and document activities as addressed in Section 1.6 of Proposal #8624. It has also bypassed Section 2.2.2 and 2.3 of Proposal #8623 which addresses the supervision and documentation of the GPR activities, the equipment and analytical processes necessary to perform a subsurface evaluation of the USTs and their surrounding soils, plus the preparation of a report of findings for the subsurface evaluation which you referred to as "sampling anomalies that are not related to USTs".

Due to the age of the facility which exceeds the current owner/operator and his function as a vehicle repair facility of approximately fifty years; the purpose of an initial subsurface investigation is to, locate undocumented USTs, evaluate soil conditions surrounding the USTs, report the findings and then subsequently address them. As noted in paragraph three, item #4 of the 06/14/04 letter: "Sampling proposed for GPR results indicating anomalies not consistent with a tank are not eligible for funding. In addition, if tanks are indicated by GPR during initial subsurface investigation, these tanks must be properly closed in accordance with NJDEP UST rules and regulations." As noted above, no funds other than the GPR unit were approved for the initial subsurface investigation although it is expected that one will be performed.

After discussing this issue with you on 10/20/04, you stated that additional funds were being looked at by yourself and additional members of your department within the upcoming two weeks to address those areas in question. Again Active would be remiss in performing these UST closures without fully evaluating this facility before breaking ground and establishing a clear funding approval by the entities involved.

It appears that it would be beneficial to both the NJDEP and to Active to discuss these items in a brief telephone conversation on a date and time of your convenience. We would request that you email us with a date and time when you would be accessible and we will certainly avail ourselves to you.

Thank you for your time and your consideration.

Sincerely,

bill

William M. Kizer

Project Manager

Active Environmental Technologies, Inc.

40 High Street, Suite 100

Mount Holly, New Jersey 08060

609-702-1500

609-702-0146, Ext 114 for Direct Dial

609-668-8436 Cell

-----Original Message-----

From: Trish Conti [<mailto:Trish.Conti@dep.state.nj.us>]

Sent: Wednesday, November 17, 2004 2:34 PM

To: bkizer@pics.com

Cc: Stuart Friedman; Jamison.Rebecca@epamail.epa.gov; CHill@njeda.com; gdavis@pics.com

Subject: RE: Charlie & Sons Service Center, Camden NJ - Facility ID#195048

I need a refresher on what specific issue you are talking about. The applicant was approved by DEP for \$34,389. The requested amount was reduced based on ineligible costs including contingency fees and sampling for anomalies that are not related to USTs. The DEP letter to the applicant (Gregory Davis of Active was copied) was sent out in June at the same time the approval memo was forwarded to the NJEDA. -Trish

>>> "W. M. Kizer" <bkizer@pics.com> 11/17/04 01:44PM >>>

Thank you for your response however, we are still attempting to obtain information regarding the approval for funds for subsurface investigation activities of the subject property. In our conversation of 10/20/04, you had stated that funding is approved in two parts and are addressed in reversed order. As an approval for the remediation portion of activities for \$34,389.00 had been provided on June 14, 2004 (in reference to Active Environmental Technologies Proposal # 8624). It was my understanding from our conversation that the subsurface investigation portion (Active Environmental Technologies Proposal #8623) was to be reviewed by yourself and additional persons during these past weeks. I was following thorough as to the results of that meeting.

In our conversation you did suggest that 1/3 of the approved remediation budget be dispersed to begin the project. However, we here at Active do not wish to begin delineation & remediation activities without a clear definition of funding. If activities are begun with a portion of the currently approved remediation funding and activities must stop due to re-evaluation by the New Jersey Department of Environmental Protection

(NJDEP) and New Jersey Economic Development Authority (NJEDA); this would be disastrous to Mr. Chomiczewski's business which is still in operation. As such, commencement of any remedial activities is wholly dependent upon approval of full funding by the entities involved.

Thank you for your continued support in this matter.

Sincerely,

Bill kizer

William M. Kizer

Project Manager

Active Environmental Technologies, Inc.

40 High Street, Suite 100

Mount Holly, New Jersey 08060

609-702-1500

609-702-0146, Ext 114 for Direct Dial

609-668-8436 Cell

-----Original Message-----

From: Trish Conti [<mailto:Trish.Conti@dep.state.nj.us>]

Sent: Wednesday, November 17, 2004 12:32 PM

To: bkizer@pics.com

Cc: Stuart Friedman; Jamison.Rebecca@epamail.epa.gov; CHill@njeda.com

Subject: Re: Charlie & Sons Service Center, Camden NJ

A letter to the applicant is being sent today requesting an executed contract for the SOW (signed by both the applicant and the contractor).

Upon DEP receipt of this information, DEP will request that the NJEDA release 1/3 of the total funding upfront to begin the project. The remaining funding balance will be disbursed based on submission of invoices. -Trish Conti

>>> "W. M. Kizer" <bkizer@pics.com> 11/17/04 12:27PM >>>

Hello Ms. Conti,

I wanted to ask of you for an update regarding the approval of additional funds for investigation and/or delineation of the Charlie & Sons Service Center, Facility ID #195048, located at 1503 Haddon Avenue, Camden, Camden County, NJ. In our last conversation you had stated that your meeting to evaluate this site would have occurred approximately two weeks ago, I wanted to follow through on the results of that meeting. Any information that you can provide would certainly be appreciated.

In the interim, if you have any questions about the facility please do not hesitate to contact either Greg Davis or myself at 609-702-1500.

Sincerely,

bill kizer

William M. Kizer

Project Manager

Active Environmental Technologies, Inc.

40 High Street, Suite 100

Mount Holly, New Jersey 08060

609-702-1500

609-702-0146, Ext 114 for Direct Dial

609-668-8436 Cell



"W. M. Kizer"
<bkizer@pics.com>

10/26/2004 08:29 AM

To: Rebecca Jamison/R2/USEPA/US@EPA
cc:
Subject: Status of Funds for Charlie & Son Service Center, Camden, Camden County, NJ, Facility ID: 195048

Ms. Jamison,

I've recently spoken with Stuart Friedman and Trisha Conte of the NJDEP regarding the above noted site. The process of resubmitting a facility questionnaire has been performed through Mr. Friedman and a permit has been given to the property: TMS # N03-2240, Activity # UCL040001 with an expiration date of 10/20/2005. In speaking with Ms. Conte of the NJDEP funds division; delineation funds are pending review at this time and are expected to be addressed within the following two weeks. as you are aware, funds for the remediation, mainly the USTs removal, has been approved at this time.

I want to inform you that no remediation activities have been performed at this site by Active Environmental; we are currently the owner's Consultant/Contractor. Upon approval of funds for the delineation and evaluation portion of the property, Active will move ahead on this project in a short amount of time.

In the mean time if you should have any questions, please do not hesitate to contact Greg Davis or myself at 609-702-1500.

Sincerely,

bill kizer

William M. Kizer
Project Manager
Active Environmental Technologies, Inc.
40 High Street, Suite 100
Mount Holly, New Jersey 08060
609-702-1500
609-702-0146, Ext 114 for Direct Dial
609-668-8436 Cell

Active

Environmental Technologies Inc.

September 10, 2004

Rebecca Jamison
USEPA Region II
20th Floor
290 Broadway
New York, NY 10007-1866

Re: Charlie & Son Servicenter
1503 Haddon Avenue
City of Camden
Camden County, New Jersey
Facility ID: 195048
TMS #: N03-2240
Closure Approval #: UCL030001
NJEDA Grant # P15943

Dear Ms. Jamison:

Pursuant to your recent telephone inquiry as to the status of the tank closure activities at the above referenced site, enclosed please find the following documents:

1. New Jersey Department of Environmental Protection (NJDEP) correspondence dated June 14, 2004 reflecting New Jersey Economic Development Authority (NJEDA) eligibility.
2. NJEDA correspondence dated August 25, 2004 related to execution of a Financial Assistance Agreement

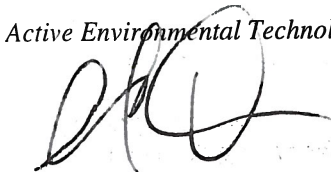
As of the date of this correspondence, Active Environmental Technologies, Inc. (Active) has contacted Ms. Cathy Schnaebly, the UST Fund Coordinator for the NJDEP and Stuart Friedman, the NJDEP assigned Case Manager, to clarify reimbursement related to the pre-tank closure investigation services as noted within Active's proposal number 8623, entitled "Proposal for Limited Subsurface Investigation", dated March 17, 2004 and included as an attachment in my March 23, 2004 correspondence to you.

The UST Closure approval has expired as a result of the lengthy funding approval process and will require an extension or a renewal. Once, answers have been obtained from the appropriate parties regarding reimbursement as noted above, Active will file for extension or renew the UST Closure approval and update the local permits as well.

I will advise you upon final receipt of the necessary approvals from all parties and provide you with a tentative date for the commencement of the work activities as well. In the event that you have any questions in the interim, please feel free to contact my office.

Sincerely,

Active Environmental Technologies, Inc.



Gregory J. Davis
Senior Project Manager

Cc: Mr. Charles Chomirzewski - Charlie & Son Servicenter

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JUN 17 2004



State of New Jersey
Department of Environmental Protection

Bradley M. Campbell
Commissioner

James E. McGreevey
Governor

Division of Remediation Support
Bureau of Contract & Fund Management
P.O. Box 413
Trenton, New Jersey 08625-0413
609-777-0101

JUN 14 2004

Charlie Chomiczewski
1503 Haddon Avenue
Camden, New Jersey 08103

Re: Underground Storage Tank Fund Loan/Grant Application
Charlie & Sons, LLC

Dear Mr. Chomiczewski:

The New Jersey Department of Environmental Protection (NJDEP) has received the Underground Storage Tank Fund grant application that you submitted on November 19, 2003 for Charlie & Sons, LLC.

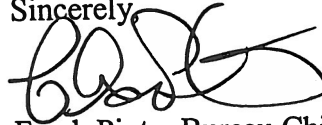
The application has been transmitted to the New Jersey Economic Development Authority (NJEDA) where it will undergo financial review to determine eligibility. The NJDEP has advised the NJEDA that in the event this project is eligible for funding assistance in the amount of up to \$34,389.00 should be provided. Please note that this letter does not constitute any award of funding, nor does it guarantee the release of any portion of the approved funding. The NJDEP acknowledges that the scope of work and cost proposal is an estimate. However, please note that the proposed scope of work includes some subcontractor, equipment and material costs that exceed the NJDEP UST Cost Guidance. Copies of subcontractor(s) invoices must be submitted, indicating the services provided and actual costs for the materials, equipment and laboratory analysis to be considered for reimbursement.

Please also be advised that your proposals have been reduced as follows: (1) Section 1.2 Closure Document Preparation is not eligible as the work was completed prior to the submission of the application. (2) Section 1.6 Miscellaneous Consulting Services (as needed) – contingency fees are not eligible. (3) Section 1.3.1 – these costs are already considered under the proposed Limited Subsurface Investigation. (4) Sampling proposed for GPR results indicating anomalies not consistent with a tank are not eligible for funding. In addition, if tanks are indicated by GPR during initial subsurface investigation,

funding. In addition, if tanks are indicated by GPR during initial subsurface investigation, these tanks must be properly closed in accordance with NJDEP UST rules and regulations. The EDA will contact you in the near future concerning their application fee and any related questions.

It has been my pleasure to assist you in this process and I look forward to working with you in the future.

Sincerely,



Frank Pinto, Bureau Chief
Bureau of Contract & Fund Management

Attachment: NJDEP UST Cost Guide

C: Gregory Davis, Active Environmental Technologies, Inc., 40 High Street, Suite 100,
Mount Holly, N.J. 08060
Mike Sylvester - NJEDA





RECEIVED

August 25, 2004

Charlie Chomiczewski
Charlie & Sons, LLC
1503 Haddon Avenue
Camden, New Jersey 08103

Re: \$34,389 Petroleum & Underground Storage Tank
Remediation, Upgrade & Closure Fund Grant
P15943

Dear Mr. Chomiczewski:

Enclosed are three (3) copies of the Financial Assistance Agreement executed by the Authority regarding the referenced matter.

Kindly execute all 3 copies; return 2 copies to the undersigned; and retain one copy for your files. Additionally, forward to the undersigned a copy of the deed for the Project Site.

Invoices for the work related to this funding must be submitted to the NJDEP for review and approval. NJDEP will then notify the Authority to release the funds. The Authority cannot release any funds until authorized by NJDEP to do so.

If you have any questions regarding your grant, please call Lisa Petrizzi at (609) 341-2727.

Sincerely,

Teri Dunlop
Director - Lending and Program Services

TD/cah

Enclosures

Active

Environmental Technologies Inc.

March 29, 2006

Attn: Rebecca Jamison
United States Environmental Protection Agency
Region 2 Groundwater Enforcement
20th Floor
290 Broadway
New York, NY 10007-1866

Re: UST Closure/Site Investigation Report
Charlie and Sons Property
1503 Haddon Avenue
City of Camden, Camden County
Facility ID #195048
Case #: 06-02-01-1208-51

Dear Ms. Jamison:

Enclosed please find a Remedial Action Report including a copy of the signed Report Certification Form for the above referenced property. The report contains information concerning the removal of one (2) 4,000-gallon Underground Storage Tanks (USTs) containing leaded gasoline, (3) 1,000-gallon Underground Storage Tanks (USTs) containing leaded gasoline, (1) 550-gallon Underground Storage Tank (UST) containing Waste-Oil, and associated site investigation activities completed to date. Please note that the original copy including Electronic data deliverables and the original certification form has been sent to Greg Cunningham of the New Jersey Department of Environmental Protection.

Should you have any questions regarding the information contained in this report, please feel free to contact me at (609) 702-1500.

Sincerely,

Active Environmental Technologies, Inc.

Kevin M. Grooms

Kevin M. Grooms
Project Manager

Enclosure

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